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H.B. 432
135th General Assembly

Final Analysis

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Primary Sponsor: Rep. Jones

Effective date: Emergency: sections related to student data privacy and access of school-issued devices effective December 9, 2024; other sections effective March 10, 2025

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SUMMARY

Career-technical educator licenses

- Permits an individual without an offer for employment in a school district to directly apply for an initial career-technical workforce development educator license.
- Permits an applicant with an offer of employment to enroll in one of two alternative licensure programs in lieu of a career-technical workforce development educator preparation program that meets continuing law requirements.
- Requires the State Board of Education to issue a career-technical educator license to qualifying individuals who are already validly licensed educators.

Student data privacy and school-issued devices

Student data privacy

- Clarifies that the State Board of Education may take licensure action against an individual who *purposely* uses or *intentionally* releases confidential student information for purposes other than student instruction if that release violates the Licensure Code of Professional Conduct for Ohio Educators.
- Revises the terminology in the student data privacy law.

Access of school-issued devices

- Removes the requirement that a school district provide advance notice prior to accessing school-issued devices for an educational purpose.
- Permits a school district to access to school-issued devices subject to a subpoena.
- Limits the 72-hour parental notice of electronic access requirement to one of the following:

- The access is under judicial warrant or subpoena or related to a missing or stolen device, and the school district initiates responsive action; or
- The access is to prevent or respond to a threat to life or safety and the school district initiates action in response to specified events.
- Removes the requirement to give notice 72 hours after a threat to life or safety has ceased when the notice itself would pose a threat to life or safety.
- Requires a service contract between a school district and a county board of developmental disabilities, educational service center, information technology center, or other school district to indicate which contracting party is responsible for providing parental notice of access.

STEM Program of Excellence designation

- Requires a STEM Program of Excellence to serve all students for whom the program is designed, rather than serve all students in the grade for which the program is designed or only gifted students as under former law.
- Maintains the requirement that a STEM Program of Excellence’s curriculum emphasize design thinking but eliminates the requirement that it be a “school-wide approach.”

Corrective changes

- Makes several corrective changes to the education law.

DETAILED ANALYSIS

Career-technical license

Licensure request

The act permits an individual to apply for a career-technical license without obtaining an offer of employment from a school district superintendent. Under prior law an applicant could only qualify for a career-technical license if the superintendent agreed to employ the applicant and made a request to the State Board of Education to begin the licensure process. Unlike a license issued through a school district, a license issued directly to an applicant does not limit the applicant to teaching in only the district that has agreed to employ the applicant.

An individual who directly applies for a license must complete a career-technical workforce development educator preparation program that meets requirements established under continuing law.¹

Alternative licensure programs

In addition to a career-technical workforce development educator preparation program that meets requirements under continuing law, the act creates two alternative licensure

¹ R.C. 3319.229(C) and (D)(1).

programs for individuals with at least five years of work experience in the subject area to be taught, whom a district has agreed to employ, and for whom the district superintendent requests a license.

The State Board must issue a two-year, initial career-technical workforce development license to such an individual. That license is renewable as long as the alternative program's supervisor indicates the individual is making sufficient progress in the program and the teaching position. The State Board must issue an advanced career-technical workforce development to an individual who successfully completes an alternative program and has taught under an initial license for four school years.²

Program created by lead district

An individual with an offer of employment may enroll in an alternative educator preparation program created by one or more lead districts. The program must align with career-technical education and workforce development competencies developed by the Department of Education and Workforce and include:

1. At least nine credit hours or three semester hours of coursework in the area to be taught;
2. At least 45 hours of local professional development designed by the employing district.³

Two-year alternative license mentoring program

An individual with an offer of employment also may enroll in a two-year alternative career-technical licensure program with a mentoring program created by one or more lead districts. The alternative program must align with the Department's career-technical education and workforce development competencies and include:

1. A mentor with an educator license or who has served as an administrator;
2. A competency-based self-assessment developed by the State Board, in consultation with individuals in the career-technical education field;
3. A personal learning plan approved by the lead district or its designee;
4. Participation in a structured mentoring program aligned to the personal learning plan and consisting of 90 clock hours of professional development during the initial licensure period.⁴

Career-technical licenses for teachers licensed in other areas

Under the act, the State Board must issue a two-year career-technical educator license to an individual who holds a valid educator license and who has at least five years of work experience in the subject area to be taught, if the employing district superintendent makes an informal recommendation of appointment as a career-technical educator. In lieu of the five-year

² R.C. 3319.229(C), (D), and (E).

³ R.C. 3319.229(D)(2).

⁴ R.C. 3319.229(D)(3).

work experience requirement, the individual's work experience may be affirmed by a panel of experts as required by the State Board. Once employed, the district must assign a mentor to that teacher.

This license is renewable only once to enable the educator to obtain a professional career-technical workforce development educator license. The State Board must issue an advanced career-technical workforce development educator license to an educator who completes four years of teaching under the two-year career-technical educator license. The advanced license is valid for five years and is renewable.⁵

Student data privacy and school-issued devices

Student data privacy

Terminology

The act makes several changes to terms defined in the student data privacy law. It changes references to "educational records" to "education records" and redefines the term to align with the federal Family Educational Rights and Privacy Act (FERPA). Under FERPA, education records generally include those records, files, documents, and other materials which contain information directly related to a student and are maintained by an educational agency or institution or by a person acting for such agency or institution.

The act changes the definition of a "school-issued device" to require that the device be for "dedicated student use," instead of "dedicated personal use" as under former law. The act also changes the definition of "student" to include individuals currently enrolled in any of grades kindergarten through 12 and exclude applicants and formerly enrolled students.

Finally, except for a contract that affects student education records for which a school district must provide notice, the act excludes from the definition of "technology provider" any county board of developmental disabilities, educational service center, information technology center, assessment provider, curriculum provider, and other city, local, exempted village, or joint vocational school district that has a service contract with a school district that includes providing students with school-issued devices.⁶

Electronic access of school-issued devices

The act makes changes to two of the exceptions to the prohibition on a school district or technology provider electronically accessing or monitoring school-issued devices. First, the act eliminates the requirement to provide advance notice for access related to an educational purpose and corrects a reference to the Department of Education and Workforce in that exception. Second, the act permits access subject to a subpoena and specifies that access under a judicial warrant or subpoena is permitted unless otherwise prohibited by state or federal law.

⁵ R.C. 3319.2212(B).

⁶ R.C. 3319.325, 3319.326, and 3319.327; see also the Family Educational Rights and Privacy Act of 1974, 20 United States Code 1232g.

In addition, the act limits the requirement for a school district to provide parental notice within 72 hours of accessing a school-issued device. The notice must be provided if the access is under judicial warrant or subpoena or related to a missing or stolen device, and the school district initiates responsive action. 72-hour notice is also required if a school-issued device is accessed to prevent or respond to a threat to life or safety and the school district initiates action in response to a warrant, subpoena, or theft, for child abuse or neglect, or related to suspension or expulsion, harassment, intimidation, or bullying, or a threat assessment. The act retains that 72-hour notice is not required at any time when the notice itself would pose a threat to life or safety, but it eliminates the requirement for notice to be provided within 72 hours of a threat ceasing.

The act requires a service contract between a school district and a county board of developmental disabilities, educational service center, joint vocational school district, another school district, or an information technology center to indicate which contracting party is responsible for providing parental notice of access.⁷

Licensure disciplinary action

The act clarifies that the State Board may take licensure action against an individual who *purposely* uses or *intentionally* releases confidential student information for purposes other than student instruction if that use or release is done in violation of the Licensure Code of Professional Conduct for Ohio Educators.⁸

STEM Program of Excellence designation

The act revises the proposal requirements for a STEM Program of Excellence designation. Specifically, it requires a proposal to demonstrate that the program will serve all students for whom the program is designed, which may be limited to certain categories of students, such as gifted students. Prior law required a proposal to demonstrate that the program serves all students in the grade for which the program is designed unless the program was designed to serve only gifted students.

The act retains the requirement that a proposal demonstrates the program's curriculum emphasizes design thinking, but the act eliminates the requirement that design-thinking be a "school-wide approach."⁹

Corrective changes

The act makes the following corrective changes:¹⁰

- Removes a cross reference to a repealed requirement regarding annual reporting of community school academic and fiscal evaluation results;

⁷ R.C. 3319.327.

⁸ R.C. 3319.31.

⁹ R.C. 3326.04.

¹⁰ R.C. 3314.023, 3319.233, and 3320.04.

- Corrects the grade band specifications for a reading competency exam requirement for new educator licenses to pre-kindergarten through eight to align with the grade bands established under continuing law; and
- Requires the Director of Education and Workforce, instead of the state Superintendent, to provide public schools with a nonexhaustive list of major religious holidays or festivals for which a student may receive an excused absence for a religious expression day.

HISTORY

Action	Date
Introduced	02-27-24
Reported, H. Primary & Secondary Education	05-22-24
Passed House (84-6)	06-12-24
Reported, S. Education	12-04-24
Passed Senate (28-0)	12-04-24
House concurred in Senate amendments (83-0)	12-04-24
