



Ohio Legislative Service Commission

Bill Analysis

Holly Cantrell Gilman, Carrie Burggraf,
and other LSC staff

Sub. H.B. 113*

131st General Assembly
(As Reported by S. Education)

Reps. Grossman and Manning, DeVitis, Stinziano, Blessing, Reece, Sheehy, Patterson, Phillips, Slaby, K. Smith, Anielski, Antonio, Baker, Barnes, Boccieri, Boggs, Boyce, Brown, Celebrezze, Craig, Dever, Driehaus, Fedor, Green, Hambley, Huffman, G. Johnson, T. Johnson, Koehler, Leland, Lepore-Hagan, McClain, M. O'Brien, Pelanda, Perales, Ramos, Rogers, Schuring, Strahorn, Sykes, Terhar, Young

BILL SUMMARY

CPR and AED instruction and staff training

- Beginning with the 2017-2018 school year, requires public school districts and schools (except for e-schools and community schools that primarily serve students with disabilities) to provide to students instruction in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED).
- Provides that a student must be excused from the CPR and AED instruction requirement (1) if the student's parent or guardian requests it in writing or (2) if the student is a child with a disability and is incapable of performing the psychomotor skills required to perform CPR and to use an AED.
- Requires school districts and community schools (except for e-schools and community schools that primarily serve students with disabilities) to provide training in the use of an AED to each person employed by that district.
- Requires each district or community school employee to receive training in the use of an AED not later than July 1, 2018, and once every five years thereafter.

* This analysis was prepared before the report of the Senate Education Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

High school equivalency tests and certificates of high school equivalence

- Requires the Department of Education, rather than the State Board of Education, to award certificates of high school equivalence.
- Requires the Department to approve at least two nationally recognized high school equivalency tests for the purpose of awarding certificates of high school equivalence.
- Specifies that, in order for a person to earn such a certificate, scores must be obtained on one of the approved tests, rather than specifically on the tests of general educational development (the "GED test").
- Removes several eligibility requirements for persons who are at least 16 but not yet 18 years of age to take an approved high school equivalency test, as well as a provision automatically qualifying certain persons for eligibility, regardless of age.

Joint Education Oversight Committee

- Prohibits the chairperson and the ranking member of the Joint Education Oversight Committee (JEOC) from being from the same political party.
- Requires JEOC to authorize a plan of work, which must include research, review, study, and analysis of education policy issues important to the state, policy options to address such issues, and available data to support such analysis.
- Authorizes the chairperson of JEOC to request any state agency or political subdivision to provide data, statistics, and other information determined to aid the committee's statutory purposes.
- Requires state agencies and political subdivisions to provide the requested information, to the extent permissible under state and federal law.

Payments for chartered nonpublic school students participating in CCP

- Permits the Department of Education to use a portion of the Auxiliary Services Reimbursement Fund to make payments for chartered nonpublic school students participating in the College Credit Plus program.

Community school educator contracts

- Prohibits a community school teacher or other licensed education professional from terminating the individual's employment contract after July 10 of any school year, or during the school year prior to the last day of instruction, without consent of the



governing authority or operator and permits the State Board of Education to suspend the license of an individual who violates this provision.

Joint vocational school district boards

- Permits a joint vocational school district (JVSD) board of education with more than 30 members to submit an application to the Superintendent of Public Instruction for approval to stagger its members' terms of office.

Waiver of career-technical education spending requirement for certain types of community schools

- Permits the Department of Education to waive the career-technical education spending requirement in current law for any community school that exclusively provides one or more career-technical workforce development programs in arts and communications that are not equipment-intensive.

Bright New Leaders for Ohio Schools

- Permits school districts, community schools, and STEM schools to use economically disadvantaged funds to employ principals and assistant principals who completed the Bright New Leaders for Ohio Schools Program.

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CONTENT AND OPERATION

CPR and AED instruction for students

Beginning with the 2017-2018 school year, the bill requires most public schools that offer grades nine through twelve to provide to students instruction in



cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED). This requirement applies to school districts, community schools (except for e-schools and community schools that primarily serve students with disabilities), STEM schools, and college-preparatory boarding schools. However, the bill provides that a student must be excused from the CPR and AED instruction requirement (1) if the student's parent or guardian requests it in writing or (2) if the student is a child with a disability and is incapable of performing the psychomotor skills required to perform CPR and to use an AED, as indicated in the student's individual education plan. CPR instruction and the parental opt out from it are already required as part of the general curriculum requirements for school districts under current law.¹

The bill specifies that the instruction must include the use of hands-on practice to support cognitive learning ("psychomotor skills") of the administration of CPR and the use of an AED. The instruction also must be either: (1) an instructional program developed by the American Heart Association or the American Red Cross that includes instruction in CPR and the use of an AED, or (2) an instructional program that is nationally recognized and based on the most current national, evidence-based emergency cardiovascular care guidelines.²

The bill specifies that a student may be certified in CPR and in the use of an AED only if the instruction is provided by an authorized or certified instructor. Conversely, the bill clarifies that it does not require a licensed educator to be certified to provide training in the manner prescribed by the bill to facilitate, provide, or oversee the instruction, if it does not result in certification of students.³

AED training for school employees

The bill requires school districts and community schools (except for e-schools and community schools that primarily serve students with disabilities) to provide training in the use of an AED to each person employed by the district or school.⁴ The bill does not apply this requirement to employees of STEM schools or college-preparatory boarding schools. The training may be incorporated into in-service training⁵ on the prevention of child abuse, violence, and substance abuse and the promotion of positive youth development as provided for under continuing law. Each

¹ R.C. 3313.60(A)(8), 3313.6021, 3314.03(A)(11)(k), 3326.11, and 3328.24.

² R.C. 3313.6021(B).

³ R.C. 3313.6021(C) and (D).

⁴ R.C. 3313.6023.

⁵ R.C. 3319.073(A), not in the bill.

district board or community school governing authority must use either an instructional program developed by the American Heart Association or the American Red Cross, or an instructional program that is nationally recognized and based on the most current national, evidence-based emergency cardiovascular care guidelines.

Each district or community school employee must receive training in the use of an AED not later than July 1, 2018, and once every five years thereafter.⁶

High school equivalency tests and certificates of high school equivalence

Under current law, the State Board of Education is responsible for awarding certificates of high school equivalence (also called equivalence diplomas in some instances) to persons who achieve the equivalent of a high school education. This achievement is measured by scores obtained on the Tests of General Educational Development, or the "GED test."

The bill requires the Department of Education, rather than the State Board, to award "certificates of high school equivalence" (and not "equivalence diplomas") to persons who achieve the equivalent of a high school education. Each certificate must be signed by the Superintendent of Public Instruction and the State Board President.

Furthermore, the bill specifies that, in order to earn such a certificate, a person must obtain the required scores on a high school equivalency test approved by the Department, rather than specifically on the GED test. It does so by (1) removing all references in the Revised Code to the GED test (see "**Terminology**," below) and (2) requiring the Department to approve at least two nationally recognized high school equivalency tests for the purpose of awarding certificates of high school equivalence. The Department must ensure that the scores required for passage on each approved test are equivalent to the scores required for passage on the other approved tests.

Finally, the State Board, in consultation with the Chancellor of Higher Education, must adopt rules with regard to the administration of high school equivalency tests and the awarding of certificates of high school equivalence.⁷

Eligibility to take high school equivalency tests

Under continuing law, a person who is at least 18 years old may take the GED test (approved high school equivalency test under the bill) without additional requirements, if the person is officially withdrawn from school and has not received a

⁶ R.C. 3313.6023 and 3313.717.

⁷ R.C. 3301.80.



high school diploma. However, if the person is at least 16 but less than 18 years old, there are additional statutory requirements for that person to be considered eligible to take the test. The bill removes several of these statutory requirements, including:

(1) That the person is required to submit an official high school transcript to the Department that includes the previous 12 months of enrollment in a program approved to grant a high school diploma;

(2) That the Department is required to approve or deny the application. Currently, the Department may approve an application only if the person (a) has been continuously enrolled in a diploma granting program for at least one semester, (b) attained an attendance rate of at least 75% during that semester, and (c) shows good cause, as determined by rules adopted by the State Board; and

(3) That if the person's application is approved by the Department, the person is required to remain enrolled in school and maintain at least a 75% attendance rate, until either (a) the person passes all required sections of the GED test, or (b) the person reaches 18 years of age.

Instead, in order to be eligible to take an approved equivalency test under the bill, a person who is at least 16 but less than 18 years of age must: (1) have not yet received a high school diploma (current law), (2) be officially withdrawn from school (added by the bill), and (3) submit written approval to the Department from the person's parent or guardian or a court official (current law).⁸

Finally, the bill removes a provision granting automatic eligibility to the following individuals for purposes of taking the GED test, regardless of age: (1) a person who has a bodily or mental condition that does not permit attendance at school, (2) a person who is currently home-schooled or has completed the final year of instruction at home, (3) a person who is moving or has moved out of Ohio after previously attending school in the state, and (4) a person who has an extreme, extenuating circumstance, as determined by the Department, that requires the person to withdraw from school.⁹

Terminology

The bill makes numerous changes throughout the Revised Code to align with the changes described above. First, the bill creates uniformity in the Revised Code when referring to certificates of high school equivalence, high school equivalence diplomas, or

⁸ Current R.C. 3313.617(B) and (C), renumbered as R.C. 3301.81 by the bill.

⁹ Current R.C. 3313.617(D), renumbered as R.C. 3301.81 by the bill.



similar achievements by aligning all such references to "certificates of high school equivalence." Currently, varying terminology is used in the Revised Code to refer to these certificates and diplomas.

Second, the bill modifies the definition for "certificate of high school equivalence" by removing the requirement that, in order to earn such certificate, scores must be obtained on the GED test.¹⁰ Instead, the bill requires scores to be obtained on one of the equivalency tests approved by the Department.

Finally, the bill specifies that all of the following must be considered the equivalent of a certificate of high school equivalence awarded by the Department:

(1) A high school equivalence diploma or a certificate of high school equivalence awarded by the State Board prior to the bill's effective date;

(2) A certificate of high school equivalence issued prior to January 1, 1994, attesting to the achievement of the equivalent of a high school education as measured by scores obtained on the GED test; and

(3) A statement issued by a primary-secondary education or higher education agency of another state that indicates that its holder has achieved the equivalent of a high school education as measured by scores obtained on a similar nationally recognized high school equivalency test.¹¹

Joint Education Oversight Committee

Current law, recently enacted in H.B. 64 of the 131st General Assembly, creates the Joint Education Oversight Committee (JEOC), a joint committee of the General Assembly made up of five members from the House of Representatives and five members from the Senate. The law prescribes specific powers and duties of JEOC, which include reviewing and evaluating education programs at school districts, public schools, and state institutions of higher education and reporting the results of such reviews and evaluations to the General Assembly.

Membership

Under current law, in odd-numbered years, the Speaker of the House of Representatives must designate one of the majority members from the House as chairperson of JEOC, while the President of the Senate must designate one of the

¹⁰ R.C. 4109.06, 5107.40, and 5120.031; conforming changes in 311.01, 3301.54, 3313.617, 3313.662, 4510.32, 4709.04, 4735.09, 4747.10, 4779.13, 4779.25, 5104.035, 5104.036, 5107.281, and 5126.201.

¹¹ R.C. 3301.80(C).



minority members from the Senate as ranking minority member. Conversely, in even-numbered years, the President must designate as chairperson one of the majority members from the Senate, while the Speaker must designate as ranking minority member one of the minority members from the House. When appointing members from the minority, the President and Speaker must consult with the minority leader of their respective chamber.

The bill maintains this process but prohibits the chairperson and the ranking member of JEOC from being from the same political party. Specifically, the ranking member cannot be from the same political party as the chairperson, who is appointed from among the majority members of their respective chamber. The bill also changes the title from "ranking minority member" to "ranking member" to account for a situation in which each chamber is controlled by a different majority party.¹²

Powers and duties

The bill makes the following modifications with regard to the powers and duties of JEOC:

(1) Requires the committee to authorize a plan of work. This plan must include "research, review, study, and analysis of current or emerging education policy issues important to the state, the available policy options to address such issues, and the available data and research to support such analysis and options."

(2) Permits, rather than requires as under current law, the committee to select, for review and evaluation, education programs at school districts, other public schools, and state institutions of higher education;

(3) Permits, rather than requires as under current law, the committee to prepare a report of the results of each review and evaluation conducted and submit the report to the General Assembly. Furthermore, the bill permits the committee to include recommendations in this report and to also submit the report, and its recommendations, to the chairpersons and members of House and Senate committees responsible for education policy.¹³

(4) Authorizes the chairperson to request any state agency or political subdivision to provide data, statistics, and other information determined to be useful to the committee's work, in accordance with the committee's statutory purposes;

¹² R.C. 103.50.

¹³ R.C. 103.45.



(5) Requires state agencies and political subdivisions to provide the requested information to the committee, to the extent permissible under Ohio's student privacy laws and the federal "Family Educational Rights and Privacy Act" (FERPA);¹⁴

(6) Authorizes the committee to assess how state money is used by schools and state institutions of higher education to improve student performance, in addition to district, school, or institutional performance (as under current law);

(7) Authorizes the committee to examine pilot programs at schools and state institutions of higher education to determine whether the programs create opportunities for success, in addition to whether the programs may be effective at other schools or institutions and the fiscal costs and impact of adopting such programs statewide (as under current law);¹⁵ and

(8) Requires the committee, rather than the "chairperson" as under current law, to meet at least once per calendar month, unless the chairperson and ranking member agree not to meet that month.¹⁶

Payments for chartered nonpublic school students participating in College Credit Plus

The bill permits the Department of Education to use a portion of the Auxiliary Services Reimbursement Fund to make payments for chartered nonpublic school students participating in the College Credit Plus (CCP) program.¹⁷

The Auxiliary Services Reimbursement Fund consists of the amount of any excess moneys in the Auxiliary Services Personnel Unemployment Compensation Fund, as determined by the Director of Job and Family Services and the Superintendent of Public Instruction.¹⁸ Current law requires the Fund to be used for the relocation or for the replacement and repair of mobile units used to provide specified services to students in chartered nonpublic schools, but it also permits school districts to apply to the Department for moneys from the Fund for payment of incentives for early

¹⁴ R.C. 103.49. Also see R.C. 3319.321, not in the bill.

¹⁵ R.C. 103.45.

¹⁶ R.C. 103.50.

¹⁷ R.C. 3317.064(D).

¹⁸ R.C. 3317.064(A).



retirement and severance for school district personnel assigned to provide certain services at those schools.¹⁹

The CCP program allows high school students who are enrolled in public or nonpublic high schools or who are home-instructed to enroll in nonsectarian college courses to receive high school and college credit. College courses under CCP may be taken at any public or private college, as well as any eligible out-of-state college. State payments for all nonpublic school students and home-schooled students under "Option B" of the program are made from an appropriation of the General Assembly. State funds paid to a college for a public school student are deducted from the state aid account of the student's resident school district or from the community or STEM school in which the student may be enrolled. Under "Option A" of the program the student is responsible for payment of all tuition and other costs charged by the college.²⁰

Community school educator contracts

The bill prohibits a community school teacher or other licensed education professional from terminating the individual's employment contract after July 10 of any school year, or during the school year prior to the last day of instruction, without the consent of the school's governing authority or operator. However, the individual may terminate the individual's contract at any other time by giving five days' written notice to the employing governing authority or operator. Under the bill, if an individual terminates the contract in any other manner, the employing governing authority or operator may file a complaint with the State Board of Education. After an investigation the State Board may suspend the individual's educator license for up to one year.²¹

An identical provision of current law applies to teachers and other licensed education professionals employed by school districts.²²

Joint vocational school district board membership

The bill permits a joint vocational school district (JVSD) board of education with more than 30 members to submit an application to the Superintendent of Public Instruction for approval to revise its membership plan to stagger its members' terms of office. Each board eligible to submit such an application may do so only one time. The application must include the revisions proposed to be made to the members' terms, the

¹⁹ R.C. 3317.064(B) and (C).

²⁰ R.C. Chapter 3365., not in the bill.

²¹ R.C. 3314.103.

²² R.C. 3319.15, not in the bill.

manner by which terms will be staggered, and any other information the state Superintendent requires.²³

Under current law, JVSD boards must have a plan on file with the Department of Education that sets forth the manner of appointment and the total number of members appointed to that board. Further, current law specifies criteria an individual must meet to be a member of a JVSD board.²⁴

Waiver of career-technical education spending requirement for certain types of community schools

The bill permits the Department of Education to waive the career-technical education spending requirement in current law for any community school that exclusively provides one or more career-technical workforce development programs in arts and communications that are not equipment-intensive, as determined by the Department.²⁵ Current law requires every community school to spend at least 75% of its career-technical education funding on costs directly associated with career-technical education programs and not more than 25% on personnel expenditures. (Law unchanged by the bill applies this requirement to city, local, and exempted village school districts,²⁶ joint vocational school districts,²⁷ and STEM schools.²⁸)

Use of economically disadvantaged funding to hire Bright New Leaders participants

The bill permits city, local, exempted village, and joint vocational school districts, community schools, and STEM schools to spend the economically disadvantaged funds that they receive under the school funding formula for the employment of individuals as principals or assistant principals who have successfully completed the Bright New Leaders for Ohio Schools program. Current law requires school districts, community schools, and STEM schools to spend economically disadvantaged funds for one or more of the following initiatives: (1) extended school day and school year, (2) reading improvement and intervention, (3) instructional technology or blended learning, (4) professional development in reading instruction for teachers of students in

²³ R.C. 3311.191.

²⁴ R.C. 3311.19, not in the bill.

²⁵ R.C. 3314.08(C)(9).

²⁶ R.C. 3317.022(E), not in the bill.

²⁷ R.C. 3317.16(D)(2), not in the bill.

²⁸ R.C. 3326.39, not in the bill.

kindergarten through third grade, (5) dropout prevention, (6) school safety and security measures, (7) community learning centers that address barriers to learning, and (8) academic interventions for students in any of grades six through twelve.²⁹

The Bright New Leaders for Ohio Schools program was created and is implemented by a nonprofit corporation that was incorporated, pursuant to H.B. 59 of the 130th General Assembly,³⁰ to do all of the following:

(1) Provide an alternative path for individuals to receive training and development in the administration of primary and secondary education and leadership;

(2) Enable those individuals to earn degrees and obtain licenses in public school administration;

(3) Promote the placement of those individuals in public schools that have a poverty percentage greater than 50%.

HISTORY

ACTION	DATE
Introduced	03-10-15
Reported, H. Education	01-28-16
Passed House (85-8)	04-13-16
Reported, S. Education	---

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²⁹ R.C. 3317.25.

³⁰ Section 733.40 of H.B. 59 of the 130th General Assembly.

