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UPDATED VERSION*

SUMMARY

CAREER-TECHNICAL EDUCATION

Funding for career-technical education programs

Student Pathways for Career Success Grant Program

- Requires the Department of Education to establish the Student Pathways for Career Success Grant Program to provide grants to career-technical planning district (CTPD) lead districts and Ohio technical centers to improve or expand career-technical programs that meet workforce needs.

Career awareness and exploration funds

- Requires the Department to pay career awareness and explorations funds directly to each CTPD lead district, rather than deducting and transferring those funds from the CTPD member districts and schools to the lead district, as under former law.
- Requires each CTPD lead district to use those funds to deliver relevant career awareness and exploration programs to students within the CTPD, rather than disbursing the funds to member districts and schools upon receiving a plan for the use of the funds from them, as under prior law.

*This version corrects a typographical error in a citation.

Operation of career-technical programs

Driver's education courses and licenses

- Eliminates the prohibition against a student receiving course credit toward graduation for completing a driver's education course conducted by a school district.
- Permits a student who completes a driver's education course offered by the student's district of attendance, or an agency or organization the district contracts with, to earn up to one-half unit of high school elective course credit or up to two points toward an industry-recognized credential.
- Permits a CTPD to use a portion of its state career-technical funds to make a driver's education course available to students in the district.

Career-technical digital learning

- Permits approved career-technical education programs to provide remote or digital learning opportunities to students on a full-time or hybrid basis to the extent practicable.

State report card post-secondary readiness

- Permits a student to demonstrate post-secondary readiness on the state report card by earning an OhioMeansJobs-readiness seal and completing 250 hours of a work-based learning experience aligned to the student's approved career-technical pathway.

Employer incentives and tax credit

Financial incentives for work-based learning experiences

- Requires the Governor's Office of Workforce Transformation, the Department, the Chancellor of Higher Education, and JobsOhio to create a program that establishes financial incentives for Ohio businesses to provide work-based learning experiences to students in approved career-technical programs.

Employers Providing Work-Based Learning Pilot Program

- Creates the Employers Providing Work-Based Learning Pilot Program, which requires the Administrator of Workers' Compensation to adopt a rule to prohibit charging any amount against an employer's experience for a workers' compensation claim if the employer provides work-based learning experiences for career-technical education program students and the claim is based on a student's injury.
- Exempts from Ohio's Minor Labor Law a student who is participating in an employer's work-based learning experience under the program.
- Ends the program March 23, 2024 (two years after the program's effective date).

Income tax credit: career-technical program employers

- Authorizes a nonrefundable income tax credit for employers equal to 15% of the wages paid to a student participating in a career-technical education program.

- Limits the total amount of credits that may be issued in any fiscal biennium to \$5 million and the total amount that may be issued per year to any employer to \$5,000 per student.

Compensation of JVSDs in community reinvestment areas

- Requires a joint vocational school district (JVSD) to receive similar compensation as a city, local, or exempted village school district when the latter negotiates such an agreement with respect to a commercial or industrial project subject to a community reinvestment area tax exemption.

OTHER PROVISIONS

Northeast Ohio Medical University

- Permits the Northeast Ohio Medical University’s treasurer to provide insurance for faithful performance of duties, in lieu of a bond.
- Adds the University to the definition of “state university,” as used in several provisions of continuing law.

Commercial Truck Driver Student Aid Program

- Requires a student to be enrolled in either of the following to participate in the Commercial Truck Driver Student Aid Program(CTDSAP):
 - A commercial driver training school licensed by the Director of Public Safety; or
 - A program operated by an institution of higher education or a career-technical center that is exempted from licensure, but is approved by the Director and Chancellor for CTDSAP’s purposes.
- Revises the Chancellor’s duties in operating the program.

American Medical Technologists

- Allows a dental assistant who is certified by the American Medical Technologists, in addition to meeting other continuing law requirements, to perform additional dental services.
- Makes an individual who is certified by the American Medical Technologists eligible to receive a dental x-ray machine operator certificate and, if the individual is a dental assistant, eligible to take the examination to practice as an expanded function dental auxiliary.

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DETAILED ANALYSIS

CAREER-TECHNICAL EDUCATION

The act addresses career-technical education in several ways. It establishes a grant program for career-technical planning districts (CTPDs) and Ohio Technical Centers (OTCs). It also revises the law regarding the funding and operation of career-technical education programs. Finally, it provides several incentives and a tax credit to employers who provide work-based learning experiences to students.

Each city, local, and exempted village school district must provide a career-technical education to its students in grades 7-12. The Department of Education has organized the delivery of career-technical education throughout the state based on CTPDs. Each CTPD is either a joint vocational school district, a comprehensive career-technical program operated by a single school district (usually a larger city school district), or a contract arrangement among several districts. Each community school and STEM school also is assigned to a CTPD. In each case, the Department designates one of the participating districts assigned to a CTPD as the

“lead district.” A lead district is charged with coordinating services within the CTPD.¹ OTCs are career technical centers that provide adult education and are recognized by the Chancellor of Higher Education.² Most, if not all, of the state’s CTPDs are also OTCs.

Funding for career-technical education programs

Student Pathways for Career Success Grant Program

The act requires the Department of Education to establish the Student Pathways for Career Success Grant Program. Under the program, the Department must provide grants to CTPD lead districts and OTCs to improve or expand career-technical education programming that meets state or regional workforce needs.

The State Board of Education must adopt rules to administer the program. Those rules must address:

1. Grant eligibility requirements;
2. Grant applications forms and procedures, including reapplication procedures; and
3. Any other rules the State Board considers necessary for the program’s operation.

The State Board’s rules may prioritize awarding grants for career-technical education programs that prepare students for occupations listed as “in-demand” under continuing law.³

Career awareness and exploration funds

The act revises how state career awareness and explorations funds are paid and used for FYs 2022 and 2023. It requires the Department to pay each CTPD lead district an amount equal to the sum of the enrolled ADM of all school districts, community schools, and STEM schools in the CTPD multiplied by the prescribed amount (\$2.50 for FY 2022 and \$5 for FY 2023). The lead district must use those funds to deliver relevant career awareness and exploration programs to all students within the CTPD in a manner consistent with the CTPD’s plan on file with the Department.

Under former law, the Department was required to pay each district or school an amount equal to the district or school’s enrolled ADM multiplied by the prescribed amount (shown above). However, that amount was deducted from the district or school and, instead, credited to the lead district of the district or school’s CTPD. A district or school then had to provide the lead district with a plan for the use of the funds that was consistent with the CTPD’s plan on file with the Department. After the lead district received that plan, it was required to disburse funds to the district or school.⁴

¹ R.C. 3313.90, 3317.023(A), and 3317.161, none in the act.

² R.C. 3333.94, not in the act.

³ R.C. 3303.07. See also R.C. 6301.11, not in the act.

⁴ R.C. 3317.014(E) and (H). See also R.C. 3317.023(I), not in the act.

Operation of career-technical programs

Driver's education courses and licenses

The act eliminates the prohibition against a student receiving course credit toward high school graduation for completing a driver's education course conducted by a school district. Instead, it permits a student who completes a driver's education course offered by the district, or any agency or organization with which the district contracts, to earn:

1. Up to one-half unit of high school elective course credit; or
2. Up to two points toward an industry-recognized credential.⁵

The act requires the Superintendent of Public Instruction's industry-recognized credentials and licenses committee to update its list of credentials and licenses used to satisfy high school graduation requirements to include a driver's license obtained through a district-offered course.⁶

Finally, the act permits a CTPD to use a portion of the state career-technical funds it receives to make a driver's education course available to high school students.⁷ Continuing law, unaffected by the act, permits a school district to require students enrolled in the district's driver's education course to pay a course fee not to exceed the actual cost per pupil for providing driver education.⁸

Career-technical digital learning

The act requires the State Board to permit approved career-technical education programs to provide remote or digital learning opportunities to students on a full-time or hybrid basis to the extent practicable.⁹

State report card post-secondary readiness

The act adds a way for a student to demonstrate readiness for the state report card's post-secondary readiness measure. It permits a student to do so by earning an OhioMeansJobs-readiness seal and completing 250 hours of an internship or work-based learning experience aligned to the student's career-technical education pathway. The act requires the career-technical pathway to be approved by the Department of Education.

⁵ R.C. 3301.17(B) and (C).

⁶ R.C. 3313.6113(B)(4).

⁷ R.C. 3301.17(D).

⁸ See R.C. 3301.171, not in the act.

⁹ R.C. 3313.906. The act originally codified this provision as R.C. 3313.905. The [LSC Director has designated it as R.C. 3313.906 \(PDF\)](#) as authorized by R.C. 103.131. The designation is posted among the documents for S.B. 166 on the General Assembly's website, legislature.ohio.gov, via the link, "Codification Number Change."

Under continuing law, a student also may demonstrate readiness by earning an OhioMeansJobs-readiness seal and completing 250 hours in a similar work-based learning experience approved by a business-advisory council.¹⁰

Employer incentives and tax credit

Financial incentives for work-based learning experiences

The act requires the Governor's Office of Workforce Transformation, in collaboration with the Department, the Chancellor, and JobsOhio, to create a program that establishes financial incentives for Ohio businesses to provide work-based learning experiences to students in approved career-technical programs. To qualify, a business's work-based learning experiences must align with the Department's framework for granting students high school credit for demonstrating subject area competency through such experiences. The act expressly requires the work-based learning experiences to comply with state minor labor laws. This provision appears to be limited to the requirement to employ only those minors who have the proper age and schooling certificate for their position of employment.¹¹

On the other hand, under the act's separate temporary Work-Based Learning Pilot Program, an employer is exempt from the state minor labor laws (see below).

Employers Providing Work-Based Learning Pilot Program

Workers' compensation experience

The act creates the Employers Providing Work-Based Learning Pilot Program, which expires March 23, 2024 (two years after the program's effective date). As soon as practicable after March 23, 2022, the Administrator of Workers' Compensation, subject to the approval of the Bureau of Workers' Compensation Board of Directors, must adopt a rule that prohibits, for the program's duration, the Administrator from charging any amount with respect to a claim for compensation or benefits under the Workers' Compensation Law¹² to an employer's experience if both of the following apply:

- The employer provides a work-based learning experience for students enrolled in an approved career-technical education program.

¹⁰ R.C. 3302.03(D)(1)(j)(viii).

¹¹ R.C. 3317.164; also see R.C. 3313.603(J)(3) and 4109.02, neither in the act. The act originally codified this provision as R.C. 3317.162. The [LSC Director has designated it as R.C. 3317.164 \(PDF\)](#) as authorized by R.C. 103.131. The designation is posted among the documents for S.B. 166 on the General Assembly's website, legislature.ohio.gov, via the link, "Codification Number Change."

¹² R.C. Chapters 4121, 4123, 4127, and 4131.

- The claim is based on a student's injury, occupational disease, or death sustained in the course of and arising out of the student's participation in the employer's work-based learning experience.¹³

An employer's experience in being responsible for its employees' workers' compensation claims may be used in calculating the employer's workers' compensation premiums.¹⁴ Thus, not charging a claim to the employer's experience may result in a mitigation of an increase in the employer's premiums as a result of the claim.

Minor labor laws

Under continuing law, a student participating in a career-technical program approved by the Department of Education is exempt from Ohio's Minor Labor Law.¹⁵ The act specifies that, pursuant to continuing law, Ohio's Minor Labor Law does not apply to a student enrolled in an approved career-technical education program who is participating in an employer's work-based learning experience.¹⁶

Both federal and state law govern the employment of minors, and an employer may be subject to one or both laws. The federal Fair Labor Standards Act¹⁷ (FLSA) and Ohio's Minor Labor Law generally set the working conditions for minors, including hours of work, safety, and minimum age requirements. A minor cannot be employed in any occupation considered hazardous under either law. An employer that violates minor labor standards under one or both laws may be subject to civil and criminal penalties.

Although a student who is participating in an employer's work-based learning experience under the program is exempt from Ohio's Minor Labor Law, the FLSA would continue to apply to an employer subject to the FLSA. But if specified conditions are met under the FLSA, a minor classified as a student learner may engage in some of the activities considered hazardous that would otherwise be prohibited for minors.¹⁸

¹³ Section 3(A), by reference to R.C. 3317.161, not in the act.

¹⁴ See R.C. 4123.29, 4123.34, and 4123.39, not in the act, Ohio Administrative Code 4123-17-03, and Ohio Bureau of Workers' Compensation, *Rating Plan Information*, <https://www.bwc.ohio.gov/employer/services/ratingdtlhistory/rdh.asp>.

¹⁵ R.C. Chapter 4109.

¹⁶ Section 3(B), by reference to R.C. 4109.06, not in the act.

¹⁷ 29 United States Code (U.S.C.) 201 *et seq.*

¹⁸ 29 U.S.C. 218 and 29 Code of Federal Regulations 570.50 *et seq.* See LSC's [Minor Labor Laws](#) Members Brief for more details on the hazardous occupations that are generally prohibited for minors, exemptions allowing some minors to engage in certain hazardous occupations, and penalties under the FLSA and Ohio's Minor Labor Law.

Income tax credit: career-technical program employers

The act authorizes 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. The total credits that may be claimed by all employers each biennium is capped at \$5 million.

To obtain the credit, an employer must apply for a tax credit certificate from the Department of Education between January 1 and February 1 following the end of the employer's taxable year. If the employer qualifies for the credit, the Department must award a tax certificate within 60 days after receiving the completed application. If the employer is a pass-through entity, the entity's investors may claim their proportionate or distributive share of the credit in the investor's taxable year that includes the last day of the entity's taxable year for which the credit is awarded.¹⁹

Compensation of JVSDs in community reinvestment areas

The act requires that, if a city, local, or exempted village school district negotiates to receive compensation for property tax revenue forgone on a commercial or industrial project subject to a community reinvestment area (CRA) tax exemption granted by a local government, the joint vocational school district (JVSD) whose territory includes the project site must be compensated at the same rate, and under the same terms, as the other school district. The JVSD compensation is required regardless of whether the other district's compensation is paid by the project's owner or the local government authorizing the exemption. The JVSD also must receive notice of a proposed CRA in the same manner as the other district.²⁰

Under continuing law, municipalities and counties may create a CRA to provide a property tax exemption to owners who invest in property improvements or new construction within the CRA. Before the exemption may apply to a commercial or industrial project, the local government and the project owner must enter into an agreement prescribing the specific terms of and the requirements for maintaining the exemption. If an agreement proposes to exempt more than 50% of the project's value, the agreement must first be approved by the city, local, or exempted village school district in which the project would be located, and that approval may be conditioned on paying compensation to the district. However, no permission is required if the district is compensated by the local government or the project owner in an amount that would hold the district harmless for excess revenue forgone as a result of the exemption percentage equaling or exceeding that 50% threshold.

¹⁹ R.C. 5747.057 and 5747.98.

²⁰ R.C. 3735.671, 5709.82, and 5709.83.

OTHER PROVISIONS

Northeast Ohio Medical University

The Northeast Ohio Medical University (NEOMED) is established under continuing law with the principal goal of collaborating with the University of Akron, Cleveland State University, Kent State University, and Youngstown State University to graduate physicians.²¹

Treasurer insurance

Continuing law requires NEOMED's treasurer, prior to discharging any official duties, to provide a bond to the state for the faithful performance of those duties and the accounting of money in the treasurer's care. The amount of the bond must be determined by the university's board of trustees, but cannot be less than the estimated amount which may come into the treasurer's control at any time.

As an alternative to the performance bond, the act specifies that the treasurer may provide an insurance policy to the state. The insurance amount also must be determined by the board of trustees, but cannot be for less than the estimated amount which may come into the treasurer's control, less any deductible.²² The act's provision is similar to the law applying to several other state institutions of higher education.

Definition of "state university"

Continuing law prescribes a definition of "state university" for use in several provisions of law. Unaffected by the act, that definition already expressly recognizes 13 public universities as a "state university." The act adds NEOMED to that definition.²³

(The 13 "state universities" under continuing law are the University of Akron, Bowling Green State University, Central State University, University of Cincinnati, Cleveland State University, Kent State University, Miami University, Ohio University, Ohio State University, Shawnee State University, University of Toledo, Wright State University, and Youngstown State University.)

Application

The table below lists provisions of continuing law which use that definition of "state university" and do not specifically reference NEOMED in some other manner. The extent to which a particular provision applies to NEOMED may depend on whether the programs, issues, or other circumstances affected by it are applicable to NEOMED.

²¹ R.C. 3350.10, not in the act.

²² R.C. 3350.11.

²³ R.C. 3345.011.

Revised Code provision	Description
R.C. 1111.01(B)	Definition of “charity” for the purposes of charitable trust law
R.C. 1551.35(A)	Membership eligibility requirements of the Ohio Coal Development Office’s technical advisory committee
R.C. 3314.02(C)(1)(e), 3314.028(C), and 3314.46(B)(3)	Sponsorship of start-up community schools (however, R.C. 3314.02(C)(1)(e) expressly refers to “the thirteen state universities listed in section 3345.011”)
R.C. 3333.16(E)	Requirement to provide a student with information about the university’s transfer appeals process
R.C. 3333.165(A)(3)	Chancellor’s report regarding transfer of certain coursework
R.C. 3333.32	In-state residency for qualifying students residing in a contiguous state
R.C. 3334.01(L)	Definition of “four-year state university” as used by Ohio Tuition Trust Authority to compute the “weighted average tuition” for the sale of tuition credits (however, the sale of tuition credits was suspended several years ago)
R.C. 3345.06(B) and (C)	Requirement for certain state universities to permit a qualifying Ohio resident to begin undergraduate coursework
R.C. 3345.061	Prohibition against certain state universities receiving state subsidies for students enrolled in remedial undergraduate courses
R.C. 3345.062	Requirement to issue report regarding remediation of students
R.C. 3345.063	Requirement to recognize the completion of high school computer courses as meeting certain admissions requirements
R.C. 3345.27	Requirement to generally permit senior citizens to attend classes on a nontuition basis

Revised Code provision	Description
R.C. 3345.29	Requirement to establish an office of contract compliance
R.C. 3345.45	Provisions regarding faculty workload polices
R.C. 3345.47	Prohibition against requiring a student live in on-campus housing
R.C. 3345.48	Requirement to establish an undergraduate tuition guarantee program
R.C. 3345.56	Prohibition against considering student athletes as university employees based on their participation in athletics
R.C. 3701.261	Eligibility to serve as an agent to implement the Ohio cancer surveillance system
R.C. 3722.01	Definition of “state university” for the purposes of the law regarding hospital licensure
R.C. 3796.01	Definition of “state university” for the purposes of the Medical Marijuana Control Program
R.C. 4771.01	Definition of “state university or college” for the purposes of the law regarding athlete agents

Commercial Truck Driver Student Aid Program

Effective December 22, 2021, the act revises the eligibility requirements for, and administration of, the Commercial Truck Driver Student Aid Program. That program was enacted in H.B. 110 of the 134th General Assembly, effective September 30, 2021. Under it, the Chancellor provides a combination of a grant and a loan to an eligible student to pay for the costs of a commercial driver training program if the student agrees to reside and work as a truck driver based in Ohio for one year after completing that program.²⁴

Eligibility

The act revises which commercial driver training schools a student must be enrolled in to participate in the program. Former law permitted a student to be enrolled in a commercial driver’s license school “certified” by the Chancellor. Under the act, however, a student may enroll in any “eligible school,” which is either:

²⁴ R.C. 3333.125 and Section 4.

1. A commercial driver training school certified by the Director of Public Safety as being licensed in accordance with law and meeting other necessary standards or procedures; or
2. A program exempted from licensure by the Director in accordance with law, but which is approved by the Director and Chancellor for the Commercial Truck Driver Student Aid Program's purposes and is located at:
 - a. A state institution of higher education;
 - b. A private, nonprofit college or university;
 - c. A private, for-profit career college or school; or
 - d. A career-technical center, JVSD, comprehensive career-technical center, or compact career-technical center offering adult training.

The act maintains the requirements that an individual also must:

1. Be an Ohio resident;
2. Pass a drug test;
3. Not have three or more moving violations in two consecutive years;
4. Not have pled guilty to or be convicted of operating a vehicle under the influence of alcohol or a drug of abuse while participating in the program; and
5. Meet any additional eligibility criteria adopted under rules for the program.

However, the act transfers from the Chancellor to the eligible schools the responsibility to determine whether an individual, while participating in the program, has three or more moving violations in two consecutive years or has pled guilty to or is convicted of operating a vehicle under the influence of alcohol or a drug of abuse.²⁵

Awards

The act revises how awards and loans are distributed. It requires the Chancellor to determine the grant and loan amounts for eligible students and pay those awards to eligible schools to distribute to students for the program's costs. It also limits the loan amount to \$10,000 and specifies that the combined amount of a grant and loan may not exceed the cost of tuition and expenses for a commercial driver training program.

Prior law required the grant amount to equal one-half of the student's remaining state cost of attendance after the student's Pell grant and expected family contribution were applied to the student's tuition and fees. The act maintains the requirement that the loan must be in the same amount as the grant. It also maintains the requirement that the Chancellor reduce the amount of each grant and loan awarded for an academic year if available funds are inadequate to provide grants and loans to all eligible students who apply.

²⁵ R.C. 3333.125(A) and (B).

The act further eliminates the requirement that the amount of a grant and a loan awarded to an eligible student must be in addition to what the student receives under the Ohio College Opportunity Grant. Finally, it eliminates the requirement that the Chancellor reduce the amount of a student's loan by the amount of that grant.²⁶

Promissory note

Prior law required that a student who accepts a "grant" under the program to sign a promissory note payable to the state in the event the student fails to either satisfy the residency and employment requirements or complete the commercial driver training program in which the student was enrolled. The act, instead, specifies that a student who accepts a "grant or loan" must sign a promissory note, again, in event the student does not satisfy the residency, employment, or training program requirements. Since the loan portion of the award presumably must be repaid anyway, it is not clear how this new promissory note provision related to the loan, as expressed in the statute, actually interacts with the residency, employment, or training program requirements.

In addition, the act expressly permits the Chancellor to consult with the Attorney General and the Treasurer of State when determining the interest rate and repayment periods for the promissory note.²⁷

Chancellor duties

The act makes the Chancellor responsible for deposits and withdrawals and maintaining records pertaining to the program. It also permits the Chancellor to use funds in the Commercial Truck Driver Student Aid Fund for expenses of "creating" the program, in addition to "administering" the program as under continuing law. Finally, it requires the Chancellor to consult with the Director of Public Safety when adopting rules for the program.²⁸

American Medical Technologists

Under the act, if an individual is certified by the American Medical Technologists (a private credentialing organization),²⁹ all of the following apply:

1. The individual is eligible for a dental x-ray machine operator certificate;
2. The individual is eligible, if the individual is a dental assistant, to take the examination to practice as an expanded function dental auxiliary;
3. The individual is authorized, if the individual is a dental assistant and meets other continuing law requirements, to perform the following dental services:

²⁶ R.C. 3333.125(C) and (D).

²⁷ R.C. 3333.125(E).

²⁸ R.C. 3333.125(E) and (F).

²⁹ American Medical Technologists, <https://americanmedtech.org/>.

- a. Polish clinical crowns;
- b. Apply pit and fissure sealants;
- c. Recement temporary crowns or crowns with temporary cement;
- d. Apply fluoride varnish;
- e. Apply disclosing solutions;
- f. Apply desensitizing agents, excluding silver diamine fluoride;
- g. Caries susceptibility testing;
- h. Instruct on oral hygiene home care, including the use of toothbrushes and dental floss.

In lieu of being certified by the American Medical Technologists, continuing law gives an individual the option of being certified by the Dental Assisting National Board or the Ohio Commission on Dental Assistant Certification.³⁰

HISTORY

Action	Date
Introduced	04-21-21
Reported, S. Primary & Secondary Education	06-16-21
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³⁰ R.C. 4715.39, 4715.53, and 4715.66.