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H.B. 583*
134th General Assembly

Bill Analysis

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Version: As Reported by Senate Primary and Secondary Education

Primary Sponsors: Reps. Bird and Jones

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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 shortage of substitute teachers and consider ways to address the causes of the shortage.

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, for up to 90 days after the bill's effective date, to request the Department of Education review for errors any Educational 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

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

difference between the payments that were made for the student and the payments that should have been made.

Eliminate Ed Choice Expansion scholarship proration

- 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.

Ed Choice Expansion eligibility for siblings

- 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 immediately prior school year.

Private school participation in Cleveland Scholarship Program

- Qualifies a private school located outside the Pilot Project School District (Cleveland) to enroll students under the scholarship program if it 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 to that account in FY 2023 must be credited and disbursed to that account.
- Requires any funds remaining 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 of Education'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 for the 2022-2023 school year.

Funding for certain newly opened 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.

Sponsor rating for entity that succeeded University of Toledo

- Requires the Department to consider an entity that succeeded the University of Toledo as a sponsor to have received the same sponsor rating as the University for the 2016-2017 school year if prescribed conditions are satisfied.

Sponsor ratings for 2021-2022 school year

- Establishes a safe harbor from penalties and sanction 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 the Department's approval.

Community school sponsor evaluations

- Prohibits the Department of Education, 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 tutor under the program 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 who participate in the program and, with participating ESCs, coordinate placement of tutors in participating schools.
- Places an employed tutor registered under the bill in the State Teachers Retirement System and excludes such a tutor from the School Employees Retirement System.
- Requires the Department of Education 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 (see also "**Appropriation**" below).

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 from the student’s school district 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 the 2023-2024 school year 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.
- Permits a district to utilize any best practices and recommendations developed for the guidebook by the Ohio Dyslexia Committee.
- Makes other changes regarding the requirements for dyslexia screening and intervention for K-6 students.

Alternative resident educator licensure areas

- For five years from the first day of July following the bill’s effective date, prohibits the State Board of Education and the Department of Education from limiting the subject areas in which an individual may receive an alternative resident educator license.

Ohio School Safety Month

- Designates the month of 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 such a degree within 12 months of the date the program first uses the individual as a faculty member.

Appropriation

- Makes an appropriation for the tutoring and remedial education program.

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DETAILED ANALYSIS

Substitute teachers

Educational requirements of substitute teachers

The bill extends to the 2022-2023 and 2023-2024 school years a provision of S.B. 1 of the 134th General Assembly that currently provides flexibility for the 2021-2022 school year 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 to 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 must issue a nonrenewable temporary substitute teaching license to an individual who does not hold a post-secondary degree if the individual meets those requirements.¹

Substitute Teacher Shortages Study Committee

The bill establishes the Substitute Teacher Shortages Study Committee to examine the shortage of substitute teachers and consider ways to address the causes of the shortage. The committee also must review the temporary substitute licensing provisions prescribed in H.B. 409 of the 133rd General Assembly and S.B. 1 of the 134th 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 of the House and three members of the Senate appointed by the President of the Senate. 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 of the committee.²

School financing system – technical and corrective changes

The bill revises the school financing system established by H.B. 110 of the 134th General Assembly, by making a number of technical and corrective changes. It:

¹ Section 4 of S.B. 1 of the 134th General Assembly, as amended in Sections 7 and 8.

² Section 11.

1. Eliminates a redundant current law 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 2023.³
2. Eliminates the codified law 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.⁴
3. Requires that any funds remaining after a community school permanently closes be paid to the Department of Education and deposited in the General Revenue Fund.⁵
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 base cost calculations.⁶
5. Requires that a student’s English Learner category for funding purposes be determined using the state’s standardized identification process and the student’s score on the Ohio English language proficiency assessments, rather than the state English language arts assessments as under current law.⁷
6. Requires that a city, local, or exempted village school district’s state share percentage for a fiscal year be computed by subtracting the district’s per pupil local capacity amount from the district’s base cost per pupil, and dividing the difference by the district’s base cost per pupil.⁸
7. Establishes a minimum state share percentage of 5%.⁹
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 2023.¹⁰
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

³ R.C. 3301.0714(B)(4).

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

⁵ R.C. 3314.074.

⁶ R.C. 3317.011(A) and (E).

⁷ R.C. 3317.016.

⁸ R.C. 3317.017(C).

⁹ R.C. 3317.017(C).

¹⁰ R.C. 3317.019(A)(1).

district and then enroll in a joint vocational school district (JVSD) or under a career-technical education compact.¹¹

10. Eliminates 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.¹²
11. Eliminates 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.¹³
12. Eliminates requirements for the State Board of Education to establish standards and guidelines for:
 - a. Determining approved costs incurred by educational service centers (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.¹⁴
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 28¹/₆% for FY 2022 and 33¹/₃% in FY 2023.¹⁵
14. Requires the Department to withhold 10% of the special education funding provided to a school district, community school, or STEM school for catastrophic costs, subject to any funding limitations enacted by the General Assembly, rather than 10% of the amount calculated for the district or school as under current law.¹⁶
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.¹⁷
16. Reappropriates for FY 2023 the unencumbered, unexpended balance of the FY 2022, \$250,000 earmark for transportation collaboration grants and permits the Department

¹¹ R.C. 3317.02(K)(1)(e).

¹² R.C. 3317.02(N)(1)(a) and (O)(1)(a)(ii).

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

¹⁴ R.C. 3317.024(C) and (F).

¹⁵ R.C. 3317.024(C) and (F).

¹⁶ R.C. 3317.0215(A)(1).

¹⁷ R.C. 3317.064(B) and (C).

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.¹⁸

17. Requires that any state funds a school district, community school, or STEM school spent on or after July 1, 2021, but prior to September 30, 2021, on services related to DPIA, English learners, or gifted students be applied to spending requirements for those services for FY 2022.¹⁹
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 2020.²⁰
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.²¹
20. Makes other technical and corrective changes.²²

State scholarship and educational savings programs

Ed Choice Scholarship Program

Correction payments

The bill addresses Educational Choice (Ed Choice) scholarship payment errors for students attending chartered nonpublic schools for the 2020-2021 school year. For up to 90 days after the bill's effective date, it authorizes a chartered nonpublic school to request that the Department of Education review scholarship payments made for students who 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 scholarship payments for the 2020-2021 school year for any student were less than they should have been based on a student's attendance at the school, the Department must make a payment to the school, on the student's behalf, in an amount equal to the difference between the total scholarship payments made to the student for that school year and the total amount the scholarship payments should have been.²³

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

¹⁹ Section 12.

²⁰ Section 13.

²¹ Section 5 of H.B. 123 of the 133rd General Assembly, as amended in Sections 5 and 6.

²² 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).

²³ Sections 14 and 265.210 of H.B. 110 of the 134th General Assembly, as amended in Sections 3 and 4.

Eliminate Ed Choice Expansion proration

Continuing law qualifies a student with a family income at or below 250% of the federal poverty level (FPL) for a first-time Ed Choice Expansion scholarship. Under current law, the amount of that scholarship in subsequent school years is subject to progressive proration if the recipient's family income rises above 250% FPL. If a recipient's family income rises above 400% FPL, the recipient loses eligibility to renew that scholarship.

The bill eliminates the progressive proration of a scholarship amount and the disqualification of a recipient to renew a scholarship based on rising family income. In addition, it requires that any student who received a prorated scholarship amount prior to the bill's effective date must receive a full scholarship amount on and after that date.²⁴

Ed Choice Expansion for siblings

The bill qualifies for an Ed Choice Expansion scholarship any student whose sibling received such a scholarship for at least:

1. The school year immediately 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.²⁵

Background

The Ed Choice Scholarship Program operates statewide in every school district except Cleveland to provide scholarships for qualifying students to use in participating chartered nonpublic schools. There are two categories of Ed Choice scholarships: "traditional" Ed Choice and Ed Choice Expansion.

A student qualifies for a "traditional" Ed Choice scholarship if:

1. The student is assigned or would be assigned to a school building operated by the student's resident district that has persistently low academic achievement according to performance index ranking and at least 20% of the district's school aged population qualified to be included in the federal Title I funding formula;
2. The student's resident school district has an academic distress commission established;
3. The student satisfies criteria with regard to a child placed with a guardian, custodian, foster caregiver, kinship caregiver, or another adult;
4. The student's sibling received a "traditional" Ed Choice scholarship;

²⁴ R.C. 3310.032(E) and Section 15.

²⁵ R.C. 3310.032(A)(2).

5. The student received an Autism scholarship or a Jon Peterson Special Needs scholarship, but no longer is in need of special education services and, therefore, is no longer eligible to receive that scholarship.²⁶

A student qualifies for an Ed Choice Expansion scholarship (also known as an “income-based” scholarship) if the student’s family income is at or below 250% FPL.²⁷

Private school participation in Cleveland Scholarship Program

The bill qualifies a private school located outside the Pilot Project School District (Cleveland) to enroll students under the scholarship program if it:²⁸

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:
 - 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.

Current law, unchanged by the bill, permits a private school to enroll students under the program if it offers any of grades K-12 and is located in a school district that is located within five miles of the Pilot Project School District and in a municipality of at least 15,000.

The Pilot Project (Cleveland) Scholarship Program allows students who are residents of the Cleveland Municipal School District to obtain scholarships to attend participating nonpublic schools or public schools in adjacent districts.

Rollover of ACE Education Savings Account funds

The bill requires that, if a parent or guardian had an Afterschool Child Enrichment (ACE) educational savings account (ESA) established for FY 2022, any funds disbursed to that account in FY 2023 must be credited and disbursed to that account.²⁹

The bill also requires any funds remaining 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.³⁰

²⁶ R.C. 3310.03, 3310.033, and 3310.034, none in the bill.

²⁷ R.C. 3310.032.

²⁸ R.C. 3313.976(A)(1)(c).

²⁹ R.C. 3310.70(D)(2).

³⁰ R.C. 3310.70(D)(3).

Finally, the bill extends the Department of Education'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.³¹

Background

H.B. 110 of the 134th General Assembly established the Afterschool Child Enrichment (ACE) Educational Savings Account Program to provide eligible students, upon the request of their parents or guardians, with educational savings accounts. As enacted, the program is financed with federal coronavirus relief funds. Each account established for a student may be credited with \$500 for each of FY 2022 or FY 2023. The act qualifies a student for an account if (1) the student is at least 6 years old and under 18 years old, (2) the student's family income is at or below 300% of the federal poverty level, and (3) the student is enrolled in a public or nonpublic school or is being homeschooled. The parent or guardian of an eligible student may use funds in the account for any of the following purposes, whether secular or nonsecular:

1. Before- or after-school educational programs;
2. Day camps, including camps for academics, music, and arts;
3. Tuition at learning extension centers;
4. Tuition for learning pods;
5. If the student is homeschooled, purchase of curriculum and materials;
6. Educational, learning, or study skills services;
7. Field trips to historical landmarks, museums, science centers, and theaters, including admission, exhibit, and program fees;
8. Language classes;
9. Instrument lessons; or
10. Tutoring.

Community schools

Quality Community Schools Support Program

For the purposes of the Quality Community Schools Support Program, the bill provides that a community school first designated as a Community School of Quality for the 2019-2020 school year maintains that designation for the 2022-2023 school year. For subsequent school years, it permits the school to renew that designation in accordance with continuing law.

Under the Quality Community Schools Support Program, the Department of Education makes an additional payment to each community school that is designated as a Community School of Quality by satisfying one of several prescribed conditions. The program was first

³¹ R.C. 3310.70(C)(1).

established for the 2019-2020 and 2020-2021 school years by H.B. 166 of the 133rd General Assembly and renewed for the 2021-2022 and 2022-2023 school years by H.B. 110 of the 134th 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.³²

Funding for certain newly opened remote learning community schools

The bill qualifies for state funding for the 2021-2022 school year any community school that:

1. Opened for the first time during the 2021-2022 school year;
2. Has the same sponsor as another community school that was open during the 2020-2021 and 2021-2022 school years and operated using a remote learning plan model for both of those years; and
3. Implemented the same model during the 2021-2022 school year as the community school that was open during the 2020-2021 and 2021-2022 school years.³³

Sponsor rating for entity that succeeded University of Toledo

The bill requires the Department of Education, for the purposes of determining whether a community school sponsor qualifies to be evaluated every three years rather than annually, to consider an entity that succeeded the University of Toledo as a sponsor to have received the same sponsor rating as the University for the 2016-2017 school year, if the Department:

1. Assigned the University a rating of “effective” or “exemplary” for the 2016-2017 school year;
2. Did not assign the entity its own a rating for the 2016-2017 school year; and
3. Assigned the entity its own rating for the 2017-2018 school year.

Background

When authorized in 1997, start-up community schools could be located only in Lucas County³⁴ but, by 1998, that authority was expanded statewide.³⁵ Moreover, in 1999, the law was revised to complete the transition from the pilot project to a general authorization of start-up community schools. In so doing, the revised law recognized as sponsors, among others, the Lucas County Educational Service Center (now known as the ESC of Lake Erie West) and “a sponsoring authority designated by the board of trustees of a state university located in the

³² Section 265.335 of H.B. 110 of the 134th General Assembly, as amended in Sections 3 and 4.

³³ Section 16.

³⁴ Section 50.52 of H.B. 215 of the 122nd General Assembly.

³⁵ R.C. 3314.02 as amended by S.B. 55 of the 122nd General Assembly.

pilot project area, or the board of trustees itself” (the University of Toledo).³⁶ Using this authority, the University of Toledo board created the “Charter School Council” to take over its sponsorship duties within the pilot project area and other areas of the state.

Effective in 2003, the law was further amended to permit the board of trustees of *any* state university, or its designee, to sponsor a new start-up school in a challenged school district, including the Lucas County pilot project area, after receiving approval from the Department.³⁷ At that time, a separate section of law permitted a tax-exempt entity to succeed the board of the University of Toledo as a sponsor of its schools and to renew sponsorship contracts and enter into new ones without needing to seek approval from the Department. While a successor entity was not required to obtain the Department’s approval to sponsor, it is still under the Department’s continuing oversight.³⁸ In response to that law, also in 2003, the University board “discontinued” the Charter School Council and named the Ohio Council of Community Schools (OCCS) as its independent designee.³⁹

It appears that for the 2016-2017 school year the Department recognized the University of Toledo and not OCCS as a community school sponsor, and gave the University of Toledo an overall rating of “effective.”⁴⁰

According to its website, OCCS has succeeded the University of Toledo as a community school sponsor.⁴¹

Sponsor ratings for 2021-2022 school year

The bill 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 the 2021-2022 school year. The bill expressly prohibits the use of sponsor ratings for the 2021-2022 school year in determining the revocation of sponsorship.

Second, the bill 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,

³⁶ R.C. 3314.02 as amended by H.B. 282 of the 122nd General Assembly.

³⁷ R.C. 3314.02(C)(1)(e), not in the bill.

³⁸ R.C. 3314.021(A) through (D).

³⁹ See the timeline prepared and posted by the Ohio Council of Community Schools on its [website](#), which also may be accessed at ohioschools.org.

⁴⁰ See the Overall Ratings issued for the 2016-2017 school year under the “Historical Summary Result Files” heading at the Department of Education’s [website](#), which also may be accessed at education.ohio.gov.

⁴¹ See the “Ohio Council of Community Schools Succeeds the University of Toledo” press release at the OCCS’s [website](#), which also may be accessed at ohioschools.org.

provided the overall rating is based on the three components of the sponsor evaluation system.⁴²

Low-performing community school sponsorship changes

Continuing law prohibits a low-performing community school from entering into a contract with a new sponsor unless the Department approves the change. As an exception to that prohibition, for the 2022-2023 school year only, the bill 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 the Department's approval.⁴³

Community school sponsor evaluations

The bill prohibits the Department of Education, 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.⁴⁴

Under continuing law unchanged by the bill, the Department of Education is required to develop and implement an evaluation system that annually rates and assigns overall ratings to each entity that sponsors a community school. The evaluation system is based on the following components:⁴⁵

1. Academic performance of students enrolled in community schools sponsored by the same entity;
2. Adherence by a sponsor to the quality practices prescribed by the Department; and
3. Compliance with all applicable laws and administrative rules by an entity that sponsors a community school.

Tutoring and remedial education program

The bill 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 (Coordinating Service Center). In

⁴² Section 18.

⁴³ Section 17. See R.C. 3314.034, not in the bill.

⁴⁴ R.C. 3314.016(B)(1)(c).

⁴⁵ R.C. 3314.016(B)(1).

addition to that responsibility, the Coordinating Service Center acts as a coordinating body for the program. It is authorized to coordinate the placement of tutors with 16 regional ESCs selected under the bill (see below) and with other ESCs.⁴⁶

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 of Education or entered into a consent agreement with the State Board 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 bill requires the state Superintendent to adopt those standards within 60 days after the bill's effective date.

The bill requires individuals who wish to participate as tutors in the program to submit an application to the Coordinating Service Center. The Coordinating Service Center must establish application procedures within 60 days after the bill's effective date.⁴⁷

Registration

Under the bill, the Coordinating Service Center must require tutors to receive a registration from 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 Coordinating Service Center for any costs associated with registration, including the cost of the criminal records check. The bill expressly prohibits the Department from charging individuals any fee for registering to be a tutor in the program.⁴⁸

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 of the 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 bill also permits the Department to take any disciplinary action authorized under law against the individual as if the individual were a licensed educator.⁴⁹

⁴⁶ R.C. 3301.28(A), (B), and (C).

⁴⁷ R.C. 3301.28(A), (B)(1) and (2), and (C)(1).

⁴⁸ R.C. 3301.28(C)(3) and (6).

⁴⁹ R.C. 3301.28(C)(6).

Training

The bill requires the Coordinating Service Center, in consultation with the state Superintendent, to create a training course for tutors who do not have a valid educator license. The Coordinating Service Center and the state Superintendent also 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 Coordinating Service Center and the state Superintendent may continue to provide training to tutors after their placement in schools.⁵⁰

Compensation

The bill prohibits the Department from compensating the tutors and, instead, expressly states that the Coordinating Service Center is responsible for compensating the tutors it employs under the program. However, it also permits a participating school to transfer funds to the Coordinating Service Center to assist the Coordinating Service Center in making payments, or paying the costs of other benefits, to the tutors placed in that school. The bill requires the state Superintendent, in consultation with the Chancellor of Higher Education, to create a list of benefits.⁵¹

State Teachers Retirement System membership

The bill includes as a “teacher,” for State Teachers Retirement System (STRS) membership purposes, a tutor employed by the Coordinating Service Center who holds a registration issued by the Department under the bill. Conversely, the bill excludes that tutor from School Employees Retirement System (SERS) membership. Under continuing law, STRS membership generally includes a teacher or other school employee who is required to hold a license or registration issued under the law governing superintendents, teachers, and employees for that position (the registration under the bill is part of a different law). SERS membership generally includes nonteaching and other school employees who are not required to hold a license or registration for the position.⁵²

As noted above, a retired teacher is eligible under the bill 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 is not considered an STRS member for purposes of earning 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.⁵³

⁵⁰ R.C. 3301.28(C)(2).

⁵¹ R.C. 3301.28(A) and (C)(3) and (7).

⁵² R.C. 3307.01 and 3309.01.

⁵³ R.C. 3307.35 and 3307.352, not in the bill.

Participating schools

The bill requires public and chartered nonpublic schools that wish to participate in the program to notify the Coordinating Service Center of their intention to do so. The bill 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.

The bill authorizes program activities to take place before, during, or after school, as well as on breaks from school such as weekends, holidays, or summer vacation. It further permits activities to take place on an online platform 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 bill 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 not prohibited from contracting or partnering with another entity to provide tutoring services to the school's students.⁵⁴

Other educational service centers

In addition to the Coordinating Service Center, the bill 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 must coordinate the placement of tutors at participating schools within its service territory.⁵⁵

Department of Education responsibilities

The bill 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.⁵⁶

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

⁵⁴ R.C. 3301.28(C)(7) and (E).

⁵⁵ R.C. 3301.28(C)(4) and (5).

⁵⁶ R.C. 3301.28(C)(3).

schools, tutors, and students, as well as whether tutoring in a particular school was provided on an online platform or in-person. The reports must be submitted to the General Assembly by September 30 of the school year immediately following the year for which the report is issued.⁵⁷

Appropriation

The bill appropriates up to \$2,415,201 of Federal Coronavirus School Relief funds in FY 2022 to the Department of Education to pay its costs associated with the tutoring and remedial education program.⁵⁸

List of high-quality tutoring programs

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

The bill expressly states that a school district or school may not be required to use a tutoring program included on the Department's list.⁵⁹

Career-technical tax credit administration

S.B. 166 of the 134th 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 bill 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

⁵⁷ R.C. 3301.28(D).

⁵⁸ Section 9.

⁵⁹ R.C. 3301.136.

contains both a student's name or other personally identifiable information is not a public record.⁶⁰

Dyslexia screening and intervention

The bill delays by one year the current requirement for annual tier one dyslexia screenings of students in grades K-6 from the 2022-2023 school year to the 2023-2024 school year. However, the bill does specifically permit a district or school to administer the tier one dyslexia screening prior to the 2023-2024 school year.⁶¹

The bill also permits districts and schools to "utilize" any best practices and recommendations developed under continuing law for the guidebook by the Ohio Dyslexia Committee. On the other hand, it specifically states that a school must comply with any other provisions prescribed by statute regarding the guidebook that are not best practices and recommendations.⁶²

The bill further specifies that the list of training opportunities that the Department of Education, 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.⁶³

Finally, the bill removes "multi-sensory" from the description of structured literacy programs for screenings, and it defines "teacher" to clarify that the requirements regarding dyslexia screening and training do not apply to a teacher who provides instruction in fine arts, music, or physical education.⁶⁴

Background

H.B. 436 enacted by the 133rd General Assembly required the Department of Education to establish the Ohio Dyslexia Committee and required that the Committee develop a guidebook, prescribe the number of clock hours of dyslexia-related professional development required for teachers, and prescribed the time frame for administration of tier one screening measures. In addition, the Department was required to collaborate with the Committee in developing a list of approved courses for that professional development.

Alternative resident educator licensure areas

For five years from the first day of July following the bill's effective date, the bill prohibits the State Board of Education and the Department of Education from limiting the

⁶⁰ R.C. 5747.057(F).

⁶¹ R.C. 3323.251(A)(1) and (2).

⁶² R.C. 3323.251(C).

⁶³ R.C. 3319.077(B)(1).

⁶⁴ R.C. 3319.077(E).

subject areas in which an individual may receive an alternative resident educator license.⁶⁵ Current law states that the license may be issued for teaching “grades kindergarten to twelve and only within the areas named on the license consisting of a designated subject area, world language, or in the area of an intervention specialist.”⁶⁶

Ohio School Safety Month

The bill designates the month of 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.”⁶⁷

Prelicensure education programs for licensed practical nurses

The bill 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 such a degree within 12 months of the date 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.⁶⁸

On and after February 1, 2028, the Board is no longer required to permit prelicensure education programs for LPNs to use such individuals as faculty members; however, 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, 2028.⁶⁹ The bill 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 baccalaureate degree in nursing within 12 months to serve as faculty for LPN prelicensure education programs.⁷⁰

Current law authorizes the Board to adopt rules establishing minimum standards for nursing education programs,⁷¹ and current administrative rules require faculty teaching a nursing course to have (1) completed an approved registered nursing education program, (2) at least two years practicing as a registered nurse, (3) a baccalaureate degree in nursing, and (4) current, valid licensure in Ohio as a registered nurse.⁷² Thus, the bill will override these rules

⁶⁵ R.C. 3319.263.

⁶⁶ R.C. 3319.26, not in the bill.

⁶⁷ R.C. 5.2318.

⁶⁸ R.C. 4723.072(A) and (B)(1).

⁶⁹ R.C. 4723.072(B)(2).

⁷⁰ R.C. 4723.072(C).

⁷¹ R.C. 4723.07(B).

⁷² Ohio Administrative Code 4723-5-11(A)(3).

until January 31, 2028, but the Board may continue the authorization of the bill beyond that date by amending its rules.

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	---
