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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 147  
135<sup>th</sup> General Assembly

## Final Analysis

[Click here for H.B. 147's Fiscal Note](#)

**Primary Sponsors:** Reps. Fowler Arthur and A. Miller

**Effective date:** October 24, 2024; conforming amendments effective January 1, 2025

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UPDATED VERSION\*

## SUMMARY

### School employee misconduct

- Expands the definition of “license” with regard to school employee misconduct to include pupil services personnel registration, private provider registration under the Autism Scholarship Program, and the authorization for certain unlicensed individuals to teach in high-performing school districts.
- Requires school districts, educational service centers, and chartered nonpublic schools to file a report as follows:
  - With the Superintendent of Public Instruction regarding a licensed employee who retires during a disciplinary investigation for misconduct; and
  - When a licensed employee is removed from the list of eligible substitute teachers because it has reasonably been determined the employee committed an act unbecoming to the teaching profession.
- Requires the State Board of Education to revoke the license of an individual who is convicted of prostitution unless the individual was coerced into committing the offense.

### Special needs scholarship programs

- Permits qualified credentialed providers under the Jon Peterson Special Needs or Autism Scholarship Programs to offer services virtually.
- Adds certain credentialed professionals to the list of professionals who may provide services under those programs.

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\* This version updates the effective date.

- Subjects any registered private provider approved to participate in the Jon Peterson Special Needs Scholarship Program to a criminal records check and RAPBACK.

### **Participation in interscholastic athletics at a different school**

- Permits a student who is the victim of certain qualifying offenses to participate in interscholastic athletics at a different school.
- Prohibits a district or school, interscholastic conference, and the Ohio High School Athletic Association (OHSAA) and other organizations regulating interscholastic athletics from imposing extra fees, rules, penalties, or restrictions on students who participate in interscholastic athletics at a different school under the act.

### **Tickets to school-affiliated events**

- Expands the law regarding cash payments for school-affiliated events by:
  - Prohibiting a qualifying school from establishing different ticket prices for an event based on whether a ticket is purchased using cash or any other payment method; and
  - Requiring a qualifying school to charge a student from a school participating in an event a ticket price that is less than the price charged to an adult for the event.
- Subjects OHSAA and other organizations regulating interscholastic athletics to the law regarding cash payments for school-affiliated events.

### **Base cost calculation for FYs 2024 and 2025**

- Requires the Department of Education and Workforce to calculate several cost components included in a school district's base cost calculation using the sum of the enrolled ADM of each school district that *reported* that data, rather than that of *every* school district.

### **High School Financial Literacy Fund**

- Requires the Director of Education and Workforce to request, and the Director of Budget and Management to transfer, up to \$1.5 million from the General Revenue Fund to the High School Financial Literacy Fund during the biennium ending June 30, 2025.
- Changes the High School Financial Literacy Fund from a custodial fund to a state treasury fund.

### **Literacy improvement professional development stipend**

- Requires public schools to pay a pre-kindergarten teacher a \$1,200 stipend for completing professional development in the science of reading and evidence-based strategies for effective literacy instruction.

## Authorized private before and after school care programs

- Adds an owner, director, administrator, and employee of an authorized private before and after school care program, a type of licensed school child program, to the existing law requiring criminal records and other background checks for child care providers.

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## DETAILED ANALYSIS

### School employee misconduct

#### Definition of “license”

The act expands the school personnel subject to discipline by the State Board of Education for misconduct by modifying the definition of “license” to include staff members who hold the following registrations or authorizations:

1. Pupil services personnel registration;
2. The authorization under which an unlicensed individual otherwise qualified based on experience may teach at certain high-performing school districts, provided the employing district offers mentoring and professional development opportunities; and
3. Private provider registration with approval to participate in the Autism Scholarship Program.<sup>1</sup>

As a result, an individual holding one of these registrations or authorizations may be subject to discipline by the State Board for misconduct.<sup>2</sup>

#### Reports required to be filed with state Superintendent

##### Retirement under disciplinary investigation

The act requires a school district, educational service center (ESC), or chartered nonpublic school to file a report with the Superintendent of Public Instruction regarding a licensed employee who retires during a disciplinary investigation for misconduct. This includes a report when an employee retires under threat of termination or nonrenewal of the employee’s contract during the investigation.<sup>3</sup>

##### Removal from substitute list for conduct unbecoming

The act also requires a school district, ESC, or chartered nonpublic school to file a report with the state Superintendent when it removes a licensed employee from the list of eligible substitute teachers because the district, ESC, or chartered nonpublic school has reasonably determined that the employee committed an act that is unbecoming to the teaching profession.<sup>4</sup>

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<sup>1</sup> R.C. 3319.31(A). See also R.C. 3302.151, 3310.411, and 3319.221, none in the act.

<sup>2</sup> See Chapter 3319. See also R.C. 3301.071 and 3301.074, neither in the act.

<sup>3</sup> R.C. 3319.313(B)(3), (B)(4), and (E).

<sup>4</sup> R.C. 3319.313(B)(5).

## **Prostitution – a bar to teaching**

Under the act, when the State Board learns of a guilty plea, a finding of guilt, or a conviction of prostitution by a current or expired license holder or by an applicant for renewal of a license, the State Board must revoke the license or deny renewal of the license, unless the prostitution offense was committed under coercion.<sup>5</sup>

## **Special needs scholarship programs**

### **Services**

For a student who receives a Jon Peterson Special Needs or Autism Scholarship, the act permits services prescribed in the student's individualized education program (IEP) to be offered virtually by qualified credentialed providers.<sup>6</sup>

### **Appropriate credentialed professionals**

The act adds following credentialed professionals on the State Board's list of approved credentialed professionals for the Jon Peterson Special Needs Scholarship:

- A behavior analyst certified by a nationally recognized organization that certifies behavior analysts;
- A behavior analyst certified in Ohio;
- A psychologist licensed to practice in this state;
- An independent school psychologist or school psychologist licensed to practice in this state;
- Any person carrying out specific tasks under the supervision of a licensed psychologist, independent school psychologist, or school psychologist;
- An unlicensed person holding a doctoral degree in psychology or special education from a program approved by the Department of Education and Workforce;
- A registered behavior technician working under the supervision and following the intervention plan of a certified behavior analyst;
- An occupational therapist or physical therapist licensed to practice in Ohio;
- A speech-language pathologist licensed to practice in Ohio;
- An intervention specialist who holds a valid license issued by the State Board;
- A literacy intervention specialist certified through pathways recognized by the Ohio Dyslexia Committee; and

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<sup>5</sup> R.C. 3319.31(C).

<sup>6</sup> R.C. 3310.41(B) and 3310.52(A).

- Any other qualified individual as determined by the Department.<sup>7</sup>

Continuing law includes a similar list of providers already permitted to provide intervention services under the Autism Scholarship Program. However, the act adds the following credentialed professionals to that list:

- An occupational therapist or physical therapist licensed to practice in Ohio;
- A speech-language pathologist licensed to practice in Ohio;
- An intervention specialist who holds a valid license issued by the State Board;
- A literacy intervention specialist certified through pathways recognized by the Ohio Dyslexia Committee.

The act also expressly includes educators and substitute teachers licensed by the State Board as qualified, credentialed providers who may provide intervention services under the Autism Scholarship Program.<sup>8</sup>

### **Criminal records check**

The act subjects any registered private provider approved to participate in the Jon Peterson Special Needs scholarship program to a criminal records check. It requires the Department to enroll an individual for whom a records check is completed in the Retained Applicant Fingerprint Database (RAPBACK).<sup>9</sup>

### **Participation in interscholastic athletics at a different school**

Under the act, a school district superintendent or chief administrative officer of a school may permit a home-educated student or a student enrolled in a different school district, community school, STEM school, chartered nonpublic school, or nonchartered nonpublic school to participate in interscholastic athletics at one of the superintendent or chief administrative officer's schools if the student was a victim of any of the following by a school official, employee, volunteer, or another student:

1. Harassment, intimidation, or bullying;
2. An offense of violence;
3. A violation of state importuning law;
4. An attempt to commit an offense of violence or to violate state importuning law;
5. Conduct by a school official, employee, or volunteer that violates that Licensure Code of Professional Conduct for Ohio Educators developed by the State Board of Education. See

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<sup>7</sup> R.C. 3310.58(C).

<sup>8</sup> R.C. 3310.41(E).

<sup>9</sup> R.C. 3310.582.

the [Licensure Code of Professional Conduct for Ohio Educators \(PDF\)](#), which is available on the State Board of Education website: [sboe.ohio.gov](http://sboe.ohio.gov).<sup>10</sup>

To be a qualifying offense under the act, the individual who was alleged to commit an offense of violence, violation of the importuning law, or an attempt to do either, must have also been charged with, indicted for, convicted of, or pled guilty to committing the offense or, if the offender is another student, has been alleged to be or is adjudicated a delinquent child for committing the offense.

A student who is not home-educated must be of the appropriate age and grade level, as determined by the superintendent of the district or the chief administrative officer of the qualifying school, to participate in interscholastic athletics at a different school under the act. The student must also fulfill the same academic, nonacademic, and financial requirements as any other participant. A home-educated student must fulfill the requirements for participation in interscholastic athletics prescribed in continuing law.<sup>11</sup>

### **Prohibitions for entities that oversee interscholastic athletics**

Districts and schools may not impose additional rules or fees on a student who qualifies to participate in interscholastic athletics under the act that are not equally applied to other students who are participating in the same activity.

The act also prohibits a school district, interscholastic conference, or organization that regulates interscholastic conferences or events (such as the Ohio High School Athletics Association (OHSAA)) from doing either of the following:

1. Requiring a student who is eligible to participate in interscholastic athletics under the act to meet eligibility requirements that conflict with those requirements;
2. Penalizing or restricting the eligibility to participate in interscholastic athletics of a student who, during a school year, ceases to participate in interscholastic athletics at one district or school and then begins to participate in interscholastic athletics at a different district or school under the act.

The act explicitly prohibits a public or private school from taking any action contrary from the act's requirements.<sup>12</sup>

### **Tickets to school-affiliated events**

The act makes changes to law recently enacted by H.B. 33 of the 135<sup>th</sup> General Assembly, effective October 3, 2023, that requires schools to accept cash payments for tickets to, and concessions at, school-affiliated events. A description of those requirements is available on page 248 of the LSC [Final Analysis for H.B. 33 \(PDF\)](#), which is available on the General Assembly's website: [legislature.ohio.gov](http://legislature.ohio.gov). The schools subject to the law, labeled as "qualifying schools," are

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<sup>10</sup> R.C. 3313.5313(B) and (C) and R.C. 2901.01, 2907.07, and 3313.666, none in the act.

<sup>11</sup> R.C. 3313.5313(D) and (E).

<sup>12</sup> R.C. 3313.5313(F), (H), and (G).

school districts, community schools, STEM schools, and chartered nonpublic schools that elect to participate in athletic events regulated by an interscholastic conference or an organization that regulates conferences.

### **Application of the law**

In addition to its other changes, addressed below, the act subjects interscholastic conferences, and organizations that regulate either interscholastic conferences or interscholastic competition among member schools, such as OHSAA, to all cash payment requirements that apply to schools – both those in the preexisting law and the changes made by the act.

### **Ticket prices based on payment method**

The act prohibits qualifying schools and athletic conferences and organizations from establishing different ticket prices for school-affiliated events based on whether a ticket is purchased using cash or any other payment method. Although, the act does permit them to charge a processing fee for tickets purchased online or by credit card.

### **Ticket prices for students**

It also requires qualifying schools and athletic conferences and organizations to charge a student a ticket price that is less than the price charged for an adult for the same event, essentially requiring each school and athletic organization to charge a lower student ticket price.<sup>13</sup>

### **Base cost calculation for FYs 2024 and 2025**

The act addresses how the Department of Education and Workforce calculates the base cost calculation for city, local, and exempted village school districts in the public school financing system for FYs 2024 and 2025. Specifically, it requires the Department to calculate each of the following costs for school districts based on the sum of the enrolled ADM of every school district that *reported* that data:

1. Academic co-curricular activities cost;
2. Supplies and academic content cost;
3. Athletic co-curricular activities cost; and
4. Building operations cost.

Otherwise, continuing law requires the Department to calculate each of those costs based on the sum of the enrolled ADM of *every* school district.

In addition to funding calculations for each city, local, and exempted village school district, the cost components affected by the act also are used to calculate funding for joint vocational school districts, community schools, and STEM schools. They also are a factor in determining

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<sup>13</sup> R.C. 3313.5319.

increases in the scholarship amounts of some state scholarship students attending chartered nonpublic schools.<sup>14</sup>

## **High School Financial Literacy Fund**

### **Cash transfer**

The act requires the Director of Education and Workforce to request, and the Director of Budget and Management to transfer, up to \$1.5 million from the General Revenue Fund to the High School Financial Literacy Fund during the biennium ending June 30, 2025.<sup>15</sup>

### **Operation of Fund**

The act changes the fund from a custodial fund to a state treasury fund.<sup>16</sup>

## **Literacy improvement professional development stipend**

The act requires a school district, community school, or STEM school to pay, during the FY 2024-FY 2025 biennium, a \$1,200 stipend to a pre-kindergarten teacher who is not an intervention specialist, English learner teacher, reading specialist, or instructional coach and who completes a professional development course in the science of reading and evidence-based strategies for effective literacy instruction provided by the Department.<sup>17</sup>

This new provision mirrors continuing law, enacted in H.B. 33 of the 135<sup>th</sup> General Assembly, the FY 2024-FY 2025 budget act, requiring districts and schools to pay a \$1,200 stipend to all teachers of grades K through 5, all English language arts teachers of grades 6 through 12, and all intervention specialists, English learner teachers, reading specialists, and instructional coaches who serve any of grades pre-K through 12. Districts and schools may apply to the Department for reimbursement of the cost of the stipends.

## **Authorized private before and after school care programs**

The act adds an owner, director, employee (including an administrator), and prospective employee of an authorized private before and after school care program to the law requiring criminal records and other background checks for licensed or certified child care providers, including child care centers, family child care homes, licensed preschool and school child programs providing publicly funded child care, child day camps, and in-home aides.<sup>18</sup>

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<sup>14</sup> Section 6. See also R.C. 3317.011 to 3317.026, none in the act.

<sup>15</sup> Section 7 of the act.

<sup>16</sup> R.C. 121.086.

<sup>17</sup> Section 265.330 of H.B. 33 of the 135<sup>th</sup> General Assembly, as amended in Section 8 of the act.

<sup>18</sup> R.C. 109.57 and 5104.013.



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## HISTORY

Action	Date
Introduced	04-18-23
Reported, H. Primary & Secondary Education	10-30-23
Passed House (86-4)	12-13-23
Reported, S. Education	06-26-24
Passed Senate (31-0)	06-26-24
House concurred in Senate amendments (93-0)	06-26-24

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