



# Ohio Legislative Service Commission

## Final Analysis

Carrie Burggraf

### Sub. H.B. 113

131st General Assembly

(As Passed by the General Assembly)

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

**Sens.** Manning, Gardner, LaRose, Beagle, Burke, Coley, Eklund, Faber, Hackett, Hite, Hottinger, Hughes, Jones, Lehner, Obhof, Patton, Peterson, Sawyer, Seitz, Tavares, Thomas, Yuko

**Effective date:** September 14, 2016

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## ACT SUMMARY

### CPR and AED instruction and staff training

- Beginning with the 2017-2018 school year, requires public schools (except for e-schools and community schools that primarily serve students with disabilities) to provide to students instruction in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED).
- Requires that a student be excused from the CPR and AED instruction requirement if (1) the student's parent or guardian requests it in writing or (2) the student is a child with a disability and is incapable of performing the required skills.
- Requires each school district and community school (except for any e-school or community school that primarily serves students with disabilities) to provide training in the use of an AED to each person employed by that district or school, by July 1, 2018, and once every five years thereafter.

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\* This version updates the effective date.

## **High school equivalency tests and certificates of high school equivalence**

- Requires the Department of Education to award certificates of high school equivalence and to approve at least two nationally recognized high school equivalency tests for that purpose.
- Specifies that, in order for a person to earn a certificate of high school equivalence, scores must be obtained on one of the approved tests, rather than specifically on the tests of general educational development (the "GED test") as under former law.
- Removes several eligibility requirements for persons under 18 years of age to take a high school equivalency test, as well as a provision automatically qualifying certain persons for eligibility, regardless of age.

## **Joint Education Oversight Committee**

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

## **Payments for chartered nonpublic school students participating in CCP**

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

## **Community school educator contracts**

- Prohibits a community school teacher or other licensed education professional from terminating the individual's employment contract after July 10, or before the last day of instruction, without consent of the governing authority or operator.
- Permits the State Board of Education to investigate and suspend the license of an individual who violates the contract termination provision.



## **Joint vocational school district board membership**

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

## **Career-technical education spending requirement**

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

## **Bright New Leaders for Ohio Schools**

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

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## **CONTENT AND OPERATION**

### **CPR and AED instruction for students**

Beginning with the 2017-2018 school year, the act requires most public schools that offer grades 9 through 12 to provide students instruction in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED). This requirement applies to school districts, community schools (except for e-schools and



community schools that primarily serve students with disabilities), STEM schools, and public college-preparatory boarding schools.<sup>1</sup>

However, the act provides that a student must be excused from the CPR and AED instruction (1) if the student's parent or guardian requests it in writing or (2) if the student is a child with a disability and is incapable of performing the psychomotor skills required to perform CPR and use an AED, as indicated in the student's individual education plan. Under continuing law, CPR instruction and the parental opt out from it are already included as part of the general curriculum requirements for school districts.<sup>2</sup>

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

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

### **AED training for school employees**

The act requires each school district and community school, except for an e-school or a community school that primarily serves students with disabilities, to provide training in the use of an AED to each person employed by the district or school. Each employee must receive the training by July 1, 2018, and once every five years thereafter. This requirement does not apply to employees of STEM schools or college-preparatory boarding schools. The training may be incorporated into in-service training on the prevention of child abuse, violence, and substance abuse and the promotion of positive

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

<sup>2</sup> R.C. 3313.60(A)(8) and 3313.6021(E).

<sup>3</sup> R.C. 3313.6021.



youth development as provided for under continuing law. Each district or community school must use one of the instructional programs described above.<sup>4</sup>

## **High school equivalency tests and certificates of high school equivalence**

### **Administration**

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

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

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

Finally, the act requires the State Board, in consultation with the Chancellor of Higher Education, to adopt rules for the administration of high school equivalency tests and the awarding of certificates of high school equivalence.<sup>5</sup>

### **Eligibility to take high school equivalency tests**

Under continuing law, a person who is at least 18 years old may take an approved high school equivalency test without additional requirements, if the person is officially withdrawn from school and has not received a high school diploma. However, under former law, if a person was at least 16 but younger than 18 that person was subject to

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<sup>4</sup> R.C. 3313.6023, 3313.717, and 3314.03(A)(11)(k). For the continuing in-service training requirement, see R.C. 3319.073(A), not in the act.

<sup>5</sup> R.C. 3301.80.



additional statutory requirements to qualify to take the test. The act removes several of these requirements, including:

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

(2) That the Department could approve an application only if the person (a) had been continuously enrolled in a diploma granting program for at least one semester, (b) had attained an attendance rate of at least 75% during that semester, and (c) showed good cause, as determined by State Board rules; and

(3) That the person remained enrolled in school and maintained at least a 75% attendance rate, until the person either passed all required sections of the GED test, or reached age 18.

Instead, in order to be eligible under the act, a person who is at least 16 but younger than 18 must: (1) have not yet received a high school diploma (continuing law), (2) be officially withdrawn from school (added by the act), and (3) submit written approval to the Department from the person's parent or guardian or a court official (continuing law).

Finally, the act removes a provision that granted automatic eligibility to the following individuals for purposes of taking the GED test, regardless of age: (1) a person with a bodily or mental condition that did not permit attendance at school, (2) a person who was being home-schooled or who had completed the final year of instruction at home, (3) a person who was moving or had moved out of Ohio after previously attending school in the state, and (4) a person with an extreme, extenuating circumstance, as determined by the Department, that required the person to withdraw from school.<sup>6</sup>

## **Terminology**

The act makes numerous changes throughout the Revised Code to align with the changes described above. First, it creates uniformity when referring to what is considered equivalent to a high school diploma. It does so by removing all references to high school equivalence diplomas and similar achievements and, instead, refers to "certificates of high school equivalence."

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<sup>6</sup> Former R.C. 3313.617, renumbered as R.C. 3301.81 by the act.



Second, the act modifies the definition for "certificate of high school equivalence" by removing the requirement to obtain prescribed scores on the GED test.<sup>7</sup> Instead, it requires scores to be obtained on one of the equivalency tests approved by the Department.

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

(1) A high school equivalence diploma or a certificate of high school equivalence awarded by the State Board under prior law;

(2) A certificate of high school equivalence issued prior to January 1, 1994 based on scores obtained on the GED test; and

(3) A statement issued by a primary-secondary education or higher education agency of another state that indicates that its holder has achieved the equivalent of a high school education as measured by scores obtained on a similar nationally recognized high school equivalency test.<sup>8</sup>

## **Joint Education Oversight Committee**

Continuing law, enacted in 2015, creates the Joint Education Oversight Committee (JEOC), made up of five members from the House of Representatives and five members from the Senate. The law prescribes specific powers and duties of JEOC relating to education programs at school districts, public schools, and state institutions of higher education.

### **Membership**

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

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<sup>7</sup> R.C. 4109.06, 5107.40, and 5120.031; conforming changes in 311.01, 3301.54, 3313.617, 3313.662, 4510.32, 4709.04, 4723.651, 4723.74, 4735.09, 4747.10, 4758.46, 4758.47, 4779.13, 4779.25, 5104.035, 5104.036, 5107.281, 5107.62, and 5126.201.

<sup>8</sup> R.C. 3301.80(C).



The act maintains this process but prohibits the chairperson and the ranking member of JEOC from being from the same political party. Specifically, the ranking member cannot be from the same political party as the chairperson, who is appointed from among the majority members of their respective chamber. The act also changes the title from "ranking minority member" to "ranking member" to account for a situation in which each chamber is controlled by a different majority party.<sup>9</sup>

### **Powers and duties**

The act makes the following modifications to the powers and duties of JEOC:

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

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

(3) Permits, rather than requires as under former law, the committee to prepare a report of the results of each review and evaluation conducted and submit it to the General Assembly. Furthermore, the act permits the committee to include recommendations in this report and to also submit the report, and its recommendations, to the chairpersons and members of House and Senate committees responsible for education policy.<sup>10</sup>

(4) Removes the authority for JEOC to investigate districts, public schools, and state institutions of higher education for purposes of fulfilling its duties, as well as the authority for JEOC's members and employees, under certain circumstances and upon approval by the JEOC chairperson, to enter and inspect such schools without giving advance notice;<sup>11</sup>

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

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<sup>9</sup> R.C. 103.50.

<sup>10</sup> R.C. 103.45.

<sup>11</sup> Former R.C. 103.49, repealed by the act.





(6) Requires state agencies and political subdivisions to provide the requested information to the committee, to the extent permissible under Ohio's student privacy laws and the federal Family Educational Rights and Privacy Act;<sup>12</sup>

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

(8) Authorizes the committee to examine pilot programs at schools and state institutions of higher education to determine whether the programs create opportunities for success, in addition to whether the programs may be effective at other schools or institutions and the fiscal costs and impact of adopting such programs statewide (as under continuing law);<sup>13</sup> and

(9) Requires the committee, rather than the "chairperson" as under former law, to meet at least once per calendar month, unless the chairperson and ranking member agree not to meet that month.<sup>14</sup>

### **Payments for chartered nonpublic school students participating in CCP**

The act permits the Department of Education to use a portion of the Auxiliary Services Reimbursement Fund to make payments for chartered nonpublic school students participating in the College Credit Plus (CCP) program. Under continuing law, the fund consists of any excess money in the Auxiliary Services Personnel Unemployment Compensation Fund, as determined by the Director of Job and Family Services and the Superintendent of Public Instruction.<sup>15</sup>

### **Community school educator contracts**

The act prohibits a community school teacher or other licensed education professional from terminating the individual's employment contract after July 10 of any school year, or during the school year prior to the last day of instruction, without the consent of the school's governing authority or operator. However, the individual may terminate the individual's contract at any other time by giving five days' written notice to the employing governing authority or operator. If an individual terminates the contract in any other manner, the act permits the employing governing authority or operator to file

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<sup>12</sup> New R.C. 103.49, enacted by the act.

<sup>13</sup> R.C. 103.45.

<sup>14</sup> R.C. 103.50.

<sup>15</sup> R.C. 3317.064.



a complaint with the State Board of Education. After investigation, the State Board may suspend the individual's educator license for up to one year.<sup>16</sup>

Under continuing law, an identical provision applies to teachers and other licensed education professionals employed by school districts.<sup>17</sup>

### **Joint vocational school district board membership**

The act permits a joint vocational school district board of education with more than 30 members to submit an application to the Superintendent of Public Instruction for approval to revise its membership plan to stagger its members' terms of office. Each board eligible to submit such an application may do so only one time. The application must include the revisions proposed to be made to the members' terms, the manner by which terms will be staggered, and any other information the state Superintendent requires.<sup>18</sup>

### **Career-technical education spending requirement**

Continuing law requires every school district (including a joint vocational school district), community school, and STEM school to spend at least 75% of its career-technical education funding on costs directly associated with career-technical education programs and not more than 25% on personnel expenditures.<sup>19</sup> The act permits the Department of Education to waive this spending requirement for any community school that exclusively provides one or more career-technical workforce development programs in arts and communications that are not equipment-intensive, as determined by the Department.<sup>20</sup>

### **Bright New Leaders for Ohio schools**

The act permits city, local, exempted village, and joint vocational school districts, community schools, and STEM schools to spend state economically disadvantaged funds to employ, as principals and assistant principals, individuals who have successfully completed the Bright New Leaders for Ohio Schools program.<sup>21</sup>

That program was created in 2011 to do all of the following:

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<sup>16</sup> R.C. 3314.103.

<sup>17</sup> R.C. 3319.15, not in the act.

<sup>18</sup> R.C. 3311.191.

<sup>19</sup> R.C. 3314.08(C)(5), 3317.022(E), 3317.16 (D)(2), and 3326.39, the latter three not in the act.

<sup>20</sup> R.C. 3314.08(C)(9).

<sup>21</sup> R.C. 3317.25(B)(9).



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

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

(3) Promote the placement of those individuals in public schools that have a poverty percentage greater than 50%.<sup>22</sup>

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## HISTORY

ACTION	DATE
Introduced	03-10-15
Reported, H. Education	01-28-16
Passed House (85-8)	04-13-16
Reported, S. Education	05-25-16
Passed Senate (33-0)	05-25-16
House concurred in Senate amendments (85-11)	05-25-16

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<sup>22</sup> Section 733.40 of H.B. 59 of the 130th General Assembly, not in the act.

