



# OHIO LEGISLATIVE SERVICE COMMISSION

## Bill Analysis

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### **S.B. 3**

132nd General Assembly  
(As Introduced)

**Sens.** Beagle and Balderson, Bacon, Brown, Gardner, Hite, Hoagland, Manning, Tavares, Terhar

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## **BILL SUMMARY**

### **Ohio's workforce development system**

- Changes the membership of the Governor's Executive Workforce Board and modifies that Board's duties with respect to Ohio's workforce development system.
- Modifies the requirements for written grant agreements for the allocation of funds under the federal Workforce Innovation and Opportunity Act (WIOA).
- Requires every local area (a specified region for workforce development purposes) to ensure the availability of a physical one-stop location called an "OhioMeansJobs center" in the local area for the provision of workforce development activities under WIOA.
- Changes the requirements for continuing law local workforce development plans and specifies that those plans must be four-year plans (as required under WIOA).
- Eliminates current state law requirements for the membership and responsibilities of local boards for workforce development and instead requires that the board carry out the functions described in and meet the membership requirements of WIOA.
- Requires the Governor, upon determining that there has been a substantial violation of a provision of WIOA, to take action to revoke approval of all or part of a local workforce development plan or to impose a reorganization plan for local workforce development activities.
- Requires the chief elected official or officials of a local area to monitor all private and government entities that receive funds allocated under a grant agreement to ensure

that the funds are used in accordance with applicable state laws, policies, and guidance.

- Replaces references to the Workforce Investment Act of 1998 with references to WIOA.

### **Opportunities for Ohioans with Disabilities Agency**

- Removes the requirement that the Opportunities for Ohioans with Disabilities Agency (OODA) receive Controlling Board approval to release funds to be used for OODA's program to provide personal care assistance for individuals with severe physical disabilities.
- Changes "person with a disability" to "eligible individual with a disability" throughout the law.
- Expands the definition of "physical or mental impairment."
- Specifies the types of activities and items for which maintenance payments may be used.
- Requires OODA to implement an order of selection if vocational rehabilitation services cannot be provided to all eligible individuals with disabilities in Ohio who apply for services.

### **Primary and secondary school programs**

#### **STEAM schools, equivalents, and programs of excellence**

- Authorizes the creation of science, technology, engineering, arts, and mathematics (STEAM) schools, equivalents, and programs of excellence, which are types of STEM schools, STEM school equivalents, and STEM programs of excellence, respectively.

#### **All-day kindergarten offered by STEM and STEAM schools and equivalents**

- Permits STEM and STEAM schools and equivalents to offer all-day kindergarten in the same manner as school districts to conform with provisions of current law that permit STEM schools and equivalents to offer any of grades kindergarten through twelve (which also apply to STEAM schools and equivalents under the bill).

#### **Pre-apprenticeship training programs**

- Requires the Departments of Education and Job and Family Services (JFS) to establish an option for career-technical education students to participate in pre-



apprenticeship training programs that impart the skills and knowledge needed for successful participation in a registered apprenticeship occupation course.

### **Credit for integrated course content**

- Permits public and chartered nonpublic schools to integrate academic content in subject areas for which the State Board of Education has adopted standards into a course in a different subject area, and to allow a student to receive credit for both subject areas that were integrated into the one course.
- Permits a school to administer a related end-of-course exam in a subject in an integrated course to a student upon completion of the integrated course.
- Requires, not later than July 1, 2017, the Department of Education, in consultation with the Department of Higher Education and the Governor's Office of Workforce Transformation, to develop (1) a plan that permits and encourages schools to integrate academic content so that students may earn simultaneous credit, and (2) guidance to assist schools on appropriate teacher licensure required for course integration and integrating course content to ensure that instruction meets state graduation requirements.

### **Granting high school credit through subject area competency**

- Requires the Department of Education to develop a framework for school districts and community schools to use in granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education.
- Requires each district and community school to comply with the framework, beginning with a date prescribed by the Department.

### **OhioMeansJobs-Ready certificate**

- Requires the Department of Education to establish the OhioMeansJobs-Ready certificate which must be awarded to students enrolled in a public or chartered nonpublic school who satisfy specified requirements.
- Permits a parent, guardian, or other person having care or charge of a homeschooled student to assign the certificate to the student's diploma in the same manner as prescribed for transcripts issued by school districts and chartered nonpublic schools.

## **Regional workforce career counseling collaboration**

- Requires the Department of Education, in consultation with the Department of Higher Education, to develop a regional workforce career counseling collaboration model to provide career services to students.

## **Certificates of qualification for employment**

- Permits an out-of-state resident with an Ohio conviction record to apply for a certificate of qualification for employment (CQE) through the court of common pleas in any county where a conviction was entered against the person.
- Permits the Department of Rehabilitation and Correction (DRC) to develop criteria that would allow an individual to apply for a CQE earlier than the date otherwise applicable.
- Removes the requirement that an applicant for a CQE list the specific collateral sanctions from which the individual is seeking relief, and instead requires the applicant to provide a general statement as to why the individual has applied and how the CQE would assist the individual.
- Provides that a CQE creates a rebuttable presumption that the person's criminal convictions are insufficient evidence that the person is unfit for employment or a professional license.
- Directs DRC to maintain a database that identifies granted and revoked CQEs and the jobs and types of employers to which the CQEs have been most applicable, and requires DRC to annually create a publicly available report summarizing the information maintained in the database.
- Requires DRC to review its database of certificates issued to identify those that are subject to revocation, and to note in the database that the CQE has been revoked, the reason for revocation, and the effective date of the revocation.

## **In-Demand Jobs Week**

- Designates the first week of May as "In-Demand Jobs Week."

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## CONTENT AND OPERATION

### Ohio's workforce development system

#### The federal Workforce Innovation and Opportunity Act

Ohio's workforce development system is based, in part, on federal law. In 2014, Congress passed the "Workforce Innovation and Opportunity Act"<sup>1</sup> (WIOA). WIOA supersedes the federal "Workforce Investment Act of 1998,"<sup>2</sup> on which much of Ohio's current workforce development system is based. The bill replaces references to the

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<sup>1</sup> 29 United States Code (U.S.C.) 3101 *et seq.*

<sup>2</sup> Former 29 U.S.C. 2801 *et seq.*



Workforce Investment Act of 1998 with references to WIOA throughout the Revised Code.<sup>3</sup>

### **The Governor's Executive Workforce Board**

WIOA, like its predecessor, requires each state to have a state board.<sup>4</sup> The state board, along with Ohio's Department of Job and Family Services (JFS), largely oversees the implementation of WIOA and its predecessors in Ohio. Under continuing law, the Governor must establish the Governor's Executive Workforce Board and must appoint members to the Board who serve at the Governor's pleasure to perform duties under WIOA. The bill requires that the following individuals be members of the Board:

- The Governor (required under WIOA);
- Two members of the House of Representatives, appointed by the Speaker of the House;
- Two members of the Senate, appointed by the President of the Senate (WIOA requires one member from each chamber);
- Other members required under WIOA (representing business, the Ohio workforce, and government);
- Any additional members appointed by the Governor.<sup>5</sup>

The bill eliminates the Board's current law duties and requires the Board instead to do all of the following:

- Develop (as under current law), implement, and modify the state workforce development plan;
- Review statewide workforce policies and programs and recommendations on actions to be taken by the state to align workforce development programs to support a comprehensive and streamlined workforce development system;

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<sup>3</sup> R.C. 107.35, 763.01, 3309.23, 3333.91, 4141.43, 4141.51, 5101.20, 5101.201, 5101.241, 5123.60, 5903.11, 6301.01, 6301.02, 6301.03, 6301.04, 6301.05, 6301.08, 6301.09, and 6301.12.

<sup>4</sup> 29 U.S.C. 3111.

<sup>5</sup> 29 U.S.C. 3111 and Governor's Executive Workforce Board, Board Roster, <http://workforce.ohio.gov/Portals/0/PublicBoardRoster12.9.16.pdf> (accessed February 7, 2017).



- Recommend measures for the development and continuous improvement of the workforce development system in Ohio, including updating comprehensive state performance accountability measures;
- Continue to identify and disseminate information on promising practices in workforce development;
- Perform other work required under WIOA or requested by the Governor.

The Board's current law duties are more involved in the administration, rather than oversight as under the bill, of Ohio's workforce development system. Current law duties include designating local areas (the Governor designates these), adopting rules for administering workforce development activities and monitoring fund recipients, developing statewide performance measures, and similar duties.<sup>6</sup>

### **Electronic job placement system**

The bill changes references to Ohio's electronic system for labor exchange and job placement activity, referring to the system as the "OhioMeansJobs website," rather than "OhioMeansJobs," as under current law. Continuing law requires local areas to use OhioMeansJobs as the labor exchange and job placement system for the area. Under the bill, no additional state or federal workforce funds may be used to build or maintain any labor exchange and job placement system that is duplicative to the OhioMeansJobs website. Current law prohibits only additional workforce funds being used for that purpose.<sup>7</sup>

### **Pilot programs**

The bill allows the JFS Director to establish pilot programs to provide workforce development activities or services under federal law. Currently, the JFS Director may establish pilot programs to provide workforce development activities or family services to individuals who do not meet eligibility criteria for those activities or services under federal law. The bill also requires the JFS Director to notify the Governor's Executive Workforce Board of any program, rather than requiring the Governor's Board to approve the program, as under current law.<sup>8</sup>

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<sup>6</sup> R.C. 6301.04.

<sup>7</sup> R.C. 6301.01 and 6301.03, with conforming changes in numerous other R.C. sections.

<sup>8</sup> R.C. 6301.02.

## Local administration

### Local areas

WIOA requires states to designate local areas through which workforce development activities under WIOA are administered.<sup>9</sup>

The bill expands the definition of "local area" for purposes of Ohio's Workforce Development Law to remove references to specific local government types and instead to define "local area" broadly as a local workforce development area designated under WIOA, pursuant to Ohio's Workforce Development Law. The bill makes conforming changes to several sections outside of that Law that reference the definition.

Because of the elimination of the reference to specific types of local areas, certain provisions of the workforce development system appear to be expanded. For example, continuing law allows boards of county commissioners to enter into regional plans of cooperation to enhance the administration, delivery, and effectiveness of workforce development activities. The bill allows the board to enter these plans with any local area, not just one that is a municipal corporation (see "**Written grant agreements with local areas**," below).<sup>10</sup>

### Local boards

Under continuing law, the chief elected official or officials (CEO) of a local area must create a local board for workforce development activities. The bill eliminates state law requirements for the membership (which are similar to WIOA, though the number of certain types of members varies) and responsibilities of that board and instead requires that the board carry out the functions described in and meet the membership requirements of WIOA (the local board must include representatives from the following areas: business, the workforce, entities administering training and educational activities, and government). The CEOs of a local area, under the bill, must adopt a process for appointing members to the local board for the local area. A "CEO" under the bill generally refers to the chief elected executive officer of a local government unit, rather than a specific individual based on the type of local area as under current law. A local area may have more than one CEO; if so, those CEOs must be named in an agreement under WIOA.

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<sup>9</sup> 29 U.S.C. 3121.

<sup>10</sup> R.C. 6301.01, with conforming changes in R.C. 307.984, 330.02 (repealed), 330.04 (repealed), 763.02 (repealed), 763.05 (repealed), 763.07, 5101.20, and 6301.03.





The bill also eliminates current law authority for the CEOs of a local area to consolidate all boards and committees, including the county family services planning committee, into one board for purposes of workforce development activities.

The bill also allows the CEOs of a local area to contract with the local board. The parties must specify in the contract the workforce development activities that the local board must administer and must establish in the contract standards, including performance standards, for the local board's operation. The bill eliminates the current law definition of "workforce development activity" and instead defines a "workforce development activity" as an activity carried out through a workforce development system.

Similarly, the bill allows the CEOs of a local area to contract with a government or private entity to enhance the administration of local workforce development activities that the local board is responsible for. The entity with which the CEOs contract need not be located in the local area in which the CEOs serve. Current law allows a county that is a local area to designate certain entities to be its workforce development agency, or a local area that is a municipal corporation to contract with a private or government entity described above to act as the local area's workforce development agency. The bill removes references to workforce development agencies as providers of workforce development activities throughout the Revised Code, and clarifies that the local board of a local area is the entity responsible for carrying out the workforce development activities in the local area.

The bill allows JFS to enter into a written agreement with one or more state agencies, state universities, and colleges to assist in the coordination, provision, or enhancement of the workforce development activities of a local board, rather than allowing JFS to enter into those written agreements to assist workforce development agencies, as under current law.<sup>11</sup>

#### **Written grant agreements with local areas**

Under continuing law, the JFS Director must enter into written grant agreements with each local area under which allocated funds (changed from "financial assistance" under current law) are awarded for workforce development activities included in the agreements. These agreements must comply with applicable federal and state laws governing the administration of workforce development activities and, as added by the bill, funding. The bill requires the JFS Director to award grants to local areas only through one of these grant agreements beginning September 1, 2017.

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<sup>11</sup> R.C. 6301.06, 5101.214, 6301.01, 330.04 (repealed), and 763.05 (repealed), with conforming changes in numerous other R.C. sections; Section 305.190 of Am. Sub. H.B. 64 of the 131st General Assembly.

The bill also modifies the required contents of these grant agreements. A written grant agreement under the bill must identify as parties to the agreement the representatives for the local area, including the CEOs, the local board, and the fiscal agent rather than only the CEOs for the local area under current law. Additionally, the grant agreement must provide for the incorporation of the planning region and the local plan instead of only providing for incorporation of the local workforce development plan. A "planning region" is defined in the bill as an area consisting of two or more local areas that are collectively aligned to engage in the regional planning process as outlined in WIOA. As mentioned under "**Local areas**," above, continuing law permits these regional plans.

Under continuing law, the agreement must contain certain assurances from the CEOs of the local area. Those required assurances are slightly modified under the bill. Under continuing law, the CEOs must ensure that the CEOs, subgrantees, or contractors of a local area utilize a financial management system and other accountability mechanisms that meet federal and state law requirements, as well as, under the bill, the policies and procedures adopted by JFS (rather than JFS requirements under current law).

Additionally, the bill requires that the CEOs of the local area monitor all private and government entities that receive funds allocated under the grant agreement to ensure that the funds are utilized in accordance with all applicable federal and state laws and with policies and guidance issued by JFS and under continuing law, to ensure compliance with the requirements of the grant agreement. Likewise, the bill requires CEOs to take action to recover funds for expenditures that are unallowable under federal or state law. Under current law, the CEOs need only take action to recover funds that are not used in accordance with the grant agreement.

The bill also modifies slightly the assurance that the CEOs must provide with respect to amounts that the local area is responsible to reimburse because of an adverse audit or quality control finding, final disallowance of federal financial participation, or other sanction or penalty. Under the bill, the CEOs must provide assurances that the local area or the CEOs, subgrantees, or contractors for the local area promptly remit funds to JFS that are payable to the state or federal government because of such an adverse finding or penalty. Under current law, the CEO is required to provide assurances that the local area or the CEOs, subgrantees, or contractors of the local area will require the CEOs of the local area to promptly reimburse any funds for which the local area was responsible.

And with respect to corrective action, the bill requires the CEOs to provide assurances that the local area and any subgrantee or contractor of the local area will take prompt corrective action if JFS, the Auditor of State, or other state or federal agency



determines noncompliance with state or federal law. Under current law, the parties must require the CEOs to take such corrective actions and only if an authorized entity determines compliance with requirements for a workforce development duty contained in the agreement are not achieved.<sup>12</sup>

### **Establishing a workforce development system**

Under the bill, every local area must establish and administer a local workforce development system and must ensure that at least one comprehensive OhioMeansJobs center is available in the local area. Currently, each local area is instead required to participate in a one-stop system for workforce development activities delivered through either a physical location or by electronic means approved by the Governor's Executive Workforce Board. "OhioMeansJobs center," under the bill, means a physical one-stop center under WIOA. Under WIOA, the following programs, services, and activities must be provided at a one-stop:

- Employment and training provided under WIOA;
- Programs and activities carried out by partners of the local workforce development system;
- Job search, placement, recruitment, and other labor exchange services for individuals and employers.

A center may be supported by electronic means approved by the JFS Director. The bill permits the JFS Director to enter into agreements with local boards and other OhioMeansJobs center partners to establish a workforce development system, rather than with one-stop operators and one-stop center partners as under current law.

The bill eliminates the current list of entities permitted to operate a one-stop center and instead requires that an OhioMeansJobs center be operated by an OhioMeansJobs center operator. An OhioMeansJobs center operator, under the bill, is an entity or consortium of entities designated or certified through a competitive process to operate an OhioMeansJobs center under WIOA. The bill also eliminates a requirement that the local one-stop system (workforce development system under the bill) include a representative from a county department of job and family services.

Under continuing law requirements for one-stop systems, OhioMeansJobs centers must be named "OhioMeansJobs (name of county) County."<sup>13</sup>

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<sup>12</sup> R.C. 5101.20, 6301.01, and 6301.05.

<sup>13</sup> R.C. 6301.08, 5101.201, and 6301.01, with conforming changes in R.C. 4141.29 and 6301.061.



## Local plans

Under continuing law, every local board must develop a plan for workforce development activities in the local area. The bill eliminates the current process for plan development and approval. Instead, each local board, in partnership with the local area's CEOs, must develop a four-year local plan (as required under WIOA), and submit that plan to the Governor.

The local plan must support the strategy described in the state plan and must contain descriptions of the activities of the local board as outlined in WIOA. The bill requires that the local plan include the following information, in accordance with WIOA:

- Identification of the strategic planning elements, including the local board's strategic vision, goals for preparing a skilled and educated workforce, and the knowledge and skills, including performance character, needed to meet the employment needs of employers in the region;
- A description of the workforce development system in the local area and how the local board, working with education programs and the entities that carry out core programs, will coordinate activities to expand access to employment, training, education and supportive services to eligible individuals with barriers to employment to improve service delivery and avoid duplication;
- A determination of the local area's workforce development needs for adult and dislocated worker employment training activities, including the type and availability of activities needed (similar to current law);
- An assessment of the type and availability of youth workforce development activities carried out in the local area, including activities for youth with disabilities and youth receiving independent living services under continuing law;
- A description of any other information the CEOs of the local area require;
- A description of any other information the Governor requires.

Additionally, the bill requires the local boards within a planning region and the CEOs of those local areas to prepare, submit to, and obtain approval from the state for a single regional plan that includes a description of the activities described in WIOA and

that incorporates local plans for each local area in the region. The state must identify the regions, and designate each region as one of the following types:

- A region consisting of one local area;
- A planning region;
- An interstate planning region that is contained within two or more states and consists of labor market areas, economic development areas, or other appropriate contiguous subareas of those states.

Copies of these local plans must be made available to the public through electronic and other means and, similar to current law, members of the public must be allowed to submit comments on the proposed plan to the local board. Presentations to local news media and public hearings are examples of other means by which a local board may make a proposed plan available.<sup>14</sup>

### **Gubernatorial action related to a WIOA violation**

The bill requires the Governor to take action if the Governor determines that there has been a substantial violation of a specific provision of WIOA and that corrective action has not been taken. In that case, the Governor must issue a notice of intent to revoke approval of all or part of the local plan affected by the violation or must impose a reorganization plan. A reorganization plan imposed may include any of the following:

- Decertifying the local board involved in the violation;
- Prohibiting the use of eligible providers;
- Selecting an alternative entity to administer the program for the local area involved;
- Merging the local area with one or more other local areas;
- Making other changes that the Governor determines to be necessary to secure compliance with the specific provision.

This new corrective action is in lieu of the current law authority that allows the Governor, upon finding that access to basic WIOA services is not being provided in a local area, to declare an emergency and, in consultation with the chief elected officials of the local area, to arrange for provision of those services through an alternative entity

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<sup>14</sup> R.C. 6301.07.

while the problem is pending. The current law authority was not subject to appeal, while the bill's authority may be appealed and does not become effective until the time for appeal has expired or a final decision has been issued on the appeal.<sup>15</sup>

### **Incentive awards**

The bill allows JFS to provide annual incentive awards to local areas, rather than allowing JFS to provide those awards to workforce development agencies, as under current law. Under continuing law, JFS may provide these awards also to county family services agencies and the awards must be used for the purposes for which the funds are appropriated.<sup>16</sup>

### **Payment of funds for the administration of local workforce development**

The bill requires the JFS Director, in making allocations and payments of funds for the local administration of workforce development activities, to consult with the Governor's Executive Workforce Board, rather than allowing the Governor's Board authority to direct the Director in these allocations and payments as under current law. Similarly, the JFS Director, rather than the Board, must adopt rules for fund administration.<sup>17</sup>

## **Opportunities for Ohioans with Disabilities Agency**

### **Fund authority for personal care assistance program**

The bill eliminates the requirement that the Opportunities for Ohioans with Disabilities Agency (OODA) receive Controlling Board approval to release funds to be used for the OODA's program to provide personal care assistance for individuals with severe physical disabilities to live and work independently.<sup>18</sup>

### **Definitions and terms**

The bill makes the following changes to definitions and terms used in the Worker Retraining Law:

- Replaces the term "person with a disability" with "eligible individual with a disability";

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<sup>15</sup> R.C. 5101.241.

<sup>16</sup> R.C. 5101.23.

<sup>17</sup> R.C. 6301.03.

<sup>18</sup> R.C. 3304.41.

- Expands the definition of "physical or mental impairment" to mean any physiological, mental, or psychological disorder, rather than a physical or mental condition that materially limits, contributes to limiting, or will probably result in limiting a person's activities or functioning if not corrected, as under current law;
- Specifies the types of activities and items for which maintenance payments may be used (see "**Maintenance payments**," below);
- Replaces the definition of "vocational rehabilitation services" used in current law with the definition adopted in the rules implementing the federal Rehabilitation Act of 1973, which focuses more on job training and work-based learning experiences than diagnostic services;<sup>19</sup>
- Replaces the term "visually impaired person" or "blind person" with "individual who is blind" throughout the Worker Retraining Law;
- Makes conforming changes throughout the Worker Retraining Law.<sup>20</sup>

### **Maintenance payments**

The bill revises the definition of "maintenance" to specify the types of activities and items for which maintenance payments may be used. Under the bill, "maintenance" is monetary support provided to an individual for expenses such as food, shelter, and clothing that are in excess of the individual's normal expenses. The excess expense must be necessitated by the individual's participation in an assessment to determine the individual's eligibility and need for vocational rehabilitation services or the individual's receipt of vocational rehabilitation services under an individualized plan for employment to be considered maintenance. Current law defines "maintenance" as money payments made to persons with disabilities who need financial assistance for their subsistence during their vocational rehabilitation.

Additionally, the bill specifies that any maintenance instead of living maintenance, as under current law, provided under the Worker Retraining Law is not transferrable or assignable at law or in equity.<sup>21</sup>

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<sup>19</sup> 29 U.S.C. 701 *et seq.*

<sup>20</sup> R.C. 3304.11, with conforming changes in numerous other R.C. sections.

<sup>21</sup> R.C. 3304.11 and 3304.19, with conforming changes in R.C. 2329.66.



## **Order of selection**

The bill requires OODA to implement an order of selection in accordance with the Rehabilitation Act of 1973 if vocational rehabilitation services cannot be provided to all eligible individuals with disabilities in Ohio who apply for services.

The order of selection must be included in the state plan required under the Act and must do all of the following:

- Show the order to be followed in selecting eligible individuals to be provided vocational rehabilitation services;
- Provide a justification for the order of selection;
- Identify service and outcome goals and the time within which the goals may be achieved for individuals in each priority category within the order, as required under the Act's regulations;
- Assure that individuals with the most significant disabilities will be selected first for the provision of vocational rehabilitation services and individuals who do not meet the order of selection criteria will have access to services provided through the information and referral system established under continuing law;
- State whether the designated state unit will elect to serve, in its discretion, eligible individuals who require specific services or equipment to maintain employment.

Under continuing law, OODA must provide vocational rehabilitation services to all eligible individuals with disabilities, including any eligible individual with a disability who is eligible under the terms of an agreement or arrangement with another state or with the federal government.<sup>22</sup>

## **Primary and secondary school programs**

### **STEAM schools, equivalents, and programs of excellence**

The bill authorizes the creation of science, technology, engineering, arts, and mathematics (STEAM) schools, equivalents, and programs of excellence, which are

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<sup>22</sup> R.C. 3304.17, by reference to 34 C.F.R. 361.36.





types of STEM schools, STEM school equivalents, and STEM programs of excellence, respectively.<sup>23</sup>

### **Requirements for STEAM schools and equivalents**

Currently, to establish a STEM school or receive a designation of STEM school equivalent, a partnership of public and private entities (in the case of a STEM school) or a community school or chartered nonpublic school (in the case of a STEM school equivalent) must submit a proposal to the STEM Committee. The proposal must contain certain information, including evidence that the school will offer a rigorous, diverse, integrated, and project-based curriculum and, in the case of a STEM school, information regarding its governance.

Under the bill's provisions, a proposal for a STEAM school or STEAM school equivalent must contain all of the same information plus include all of the following:

(1) Evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention (under current law, a STEM school or equivalent must include the "arts and humanities" in its curriculum);

(2) In the case of a STEAM school, evidence that the school will operate in collaboration with a partnership that includes arts organizations (as well as institutions of higher education and businesses as under current law);

(3) In the case of a STEAM school equivalent, evidence that the school has a working partnership with public and private entities that includes arts organizations (as well as higher education entities and business organizations as under current law);

(4) Assurances that the school has received in-kind commitments of sustained and verifiable fiscal and in-kind support from arts organizations.<sup>24</sup>

The bill also requires that the curriculum team for each STEAM school and equivalent include an expert in the integration of arts and design into the STEM fields. Under current law, this team consists of at least the school's chief administrative officer, a teacher, a representative of the higher education institution that is a collaborating

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<sup>23</sup> R.C. 3326.01.

<sup>24</sup> R.C. 3326.03 and 3326.032.



partner in the school or equivalent, and a member of the public with expertise in the application of science, technology, engineering, and mathematics.<sup>25</sup>

If a STEM school or equivalent wishes to become a STEAM school or equivalent, it may change its existing proposal to include the information described above and submit the revised proposal to the STEM Committee for approval.<sup>26</sup>

### **Requirements for STEAM programs of excellence**

A school district, community school, or chartered nonpublic school may, under existing law, submit a proposal to the STEM Committee for a grant to support the operation of a STEM program of excellence. This proposal must contain certain specified information, including evidence that the program will offer a rigorous and diverse curriculum that is based on scientific inquiry and technological design, emphasizes personal learning and teamwork skills, and will expose students to advanced scientific concepts within and outside the classroom. Although current law requires the STEM Committee to award these grants, funds have not been appropriated for this purpose for several years.

Under the bill's provisions, a proposal for a grant for a STEAM program of excellence must contain all of the same information as a proposal for a STEM program of excellence, plus include both of the following:

(1) Evidence that the curriculum will integrate arts and design into the curriculum to foster creative thinking, problem-solving, and new approaches to scientific invention;

(2) Evidence that the program will operate in collaboration with a partnership that includes arts organizations (as well as institutions of higher education and businesses as under current law).

As with STEM schools and equivalents, if a STEM program of excellence wishes to become a STEAM program of excellence, it may change its existing proposal to include the information described above and submit the revised proposal to the STEM Committee for approval.<sup>27</sup>

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<sup>25</sup> R.C. 3326.09.

<sup>26</sup> R.C. 3326.03(D) and 3326.032(E).

<sup>27</sup> R.C. 3326.04.

### **Additional grade levels**

The bill also permits STEM and STEAM programs of excellence to serve students in any of grades kindergarten through twelve, rather than any of grades kindergarten through eight as under current law.<sup>28</sup>

### **All-day kindergarten offered by STEM and STEAM schools and equivalents**

The bill permits STEM and STEAM schools and equivalents to offer all-day kindergarten in the same manner as school districts. This change conforms with provisions of current law enacted by S.B. 3 of the 131st General Assembly (effective March 16, 2017) that permit STEM schools and equivalents to offer any of grades kindergarten through twelve. These provisions also apply to STEAM schools and equivalents under the bill.<sup>29</sup>

### **Pre-apprenticeship training programs**

The bill requires the Departments of Education and JFS, in consultation with the Governor's Office of Workforce Transformation (OWT), to establish an option for career-technical education students to participate in pre-apprenticeship training programs that impart the skills and knowledge needed for successful participation in a registered apprenticeship occupation course.<sup>30</sup>

### **Credit for integrated course content**

The bill permits a school district or chartered nonpublic school to integrate academic content in subject areas for which the State Board of Education has adopted standards into a course in a different subject area, including a career-technical education course, in accordance with guidance developed by the Department of Education.<sup>31</sup> Current law requires the State Board to adopt standards in such areas as English language arts, math, science, social studies, health, technology, financial literacy and entrepreneurship, fine arts, foreign language, and physical education.<sup>32</sup>

If a student completes an integrated course in the manner authorized under the bill, the student may receive credit for both subject areas. Additionally, a school may

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<sup>28</sup> R.C. 3326.04(A).

<sup>29</sup> R.C. 3326.11.

<sup>30</sup> R.C. 3313.904.

<sup>31</sup> R.C. 3313.603(I).

<sup>32</sup> R.C. 3301.079, not in the bill.

administer a related end-of-course exam in a subject in an integrated course to a student upon completion of the integrated course.

Finally, the bill explicitly states that nothing in the provisions regarding integrated course content excuses a district, chartered nonpublic school, or student from the statutory curriculum requirements, test requirements, or graduation requirements.

### **Development of guidance and planning**

Under the bill, by July 1, 2017, the Department of Education, in consultation with the Department of Higher Education and OWT, must develop both of the following:

(1) A plan that permits and encourages districts and chartered nonpublic schools to integrate academic content in subject areas for which the State Board adopts standards into other coursework so that students may earn simultaneous credit; and

(2) Guidance to assist districts and schools that choose to implement integrated coursework, including appropriate licensure for teachers.<sup>33</sup>

### **Granting high school credit through subject area competency**

The bill requires the Department of Education, in consultation with the Chancellor of Higher Education and major business organizations in the state, to develop a framework for school districts and community schools to use in granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education. Continuing law requires the State Board (not the Department) to adopt and update a statewide plan to award high school credit based on demonstrated subject area competency. It appears the Department's framework under the bill is in addition to the State Board's framework under continuing law.

Districts and schools must comply with the Department's framework beginning with a date prescribed by the Department, and each district and school must review any policy it has adopted regarding the demonstration of subject area competency to identify ways to incorporate work-based learning experiences, internships, and cooperative education into the policy in order to increase student engagement and opportunities to earn units of high school credit.<sup>34</sup>

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<sup>33</sup> Section 5.

<sup>34</sup> R.C. 3313.603(J)(3) and 3314.03(A)(11)(f).

## **OhioMeansJobs-Ready certificate**

The bill requires the Department of Education to establish the OhioMeansJobs-Ready certificate.<sup>35</sup> The certificate must be awarded to a student enrolled in a public or chartered nonpublic school who does both of the following:

(1) Satisfies the requirements and criteria for earning the certificate established by the Department, including demonstration of work-readiness by exhibiting work ethic core competencies such as teamwork, problem-solving, reliability, punctuality, and at least four objective competencies including computer technology and community service;

(2) Completes a standardized form developed by the Department and has that form validated by at least three individuals, each of whom must be a teacher or business mentor of the student.<sup>36</sup>

The Department must prepare and deliver to all public schools and chartered nonpublic schools an appropriate mechanism for awarding a certificate to a student, as well as any other information the Department considers necessary.<sup>37</sup>

The bill also permits a parent, guardian, or other person having care or charge of a homeschooled student to assign the certificate to the student's diploma in the same manner as prescribed for transcripts issued by school districts and chartered nonpublic schools.<sup>38</sup>

## **Regional workforce career counseling collaboration**

The bill requires the Department of Education, in consultation with the Department of Higher Education, to develop a regional workforce career counseling collaboration model. It must provide guidance on how business and economic stakeholder groups must collaborate to form a partnership to provide career services to students. Stakeholder groups include the JobsOhio Regional Network, local school districts, local chambers of commerce, economic development organizations, businesses, business associations, secondary and post-secondary education organizations, and Ohio College Tech Prep Regional Centers that are jointly managed by the Department of Education and the Chancellor of Higher Education. Career

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<sup>35</sup> R.C. 3313.6112; conforming change in R.C. 3313.618.

<sup>36</sup> R.C. 3313.6112(B) and (C)(1) and (2).

<sup>37</sup> R.C. 3313.6112(C)(3) and (4).

<sup>38</sup> R.C. 3313.6110.



services may include job shadowing, internships, co-ops, apprenticeships, career exploration activities, and problem-based curriculum developed in alignment with in-demand jobs.<sup>39</sup>

## **Certificates of qualification for employment**

The bill makes several changes to the procedure for obtaining a certificate of qualification for employment (CQE). A CQE lifts the automatic bar to certain forms of employment resulting from a conviction, so that a decision-maker must consider on a case-by-case basis whether to hire an applicant for employment or issue an occupational license.

### **CQE application process**

The bill permits an out-of-state resident to apply for a CQE by filing a petition with the court of common pleas in any county where the conviction or guilty plea from which the individual seeks relief was entered, or with a designee of the deputy director of the Department of Rehabilitation and Correction (DRC) division of parole and community services. To conform with this change, the bill provides that an application must state the length of time the applicant has resided in the person's current state of residence, rather than the applicant's time residing in Ohio.

The bill permits DRC to establish criteria by rule that would allow an individual to apply for a CQE before the expiration of six months or one year from final release from incarceration or supervision, whichever is applicable. Under current law, a person may only apply for a CQE after six months from the date of release if the conviction was for a misdemeanor, or one year after release if the conviction was for a felony.

The bill removes the current requirement that an applicant for a CQE list the specific collateral sanctions from which the individual is seeking relief, and instead requires the applicant to provide a general statement as to why the individual has applied and how the CQE would assist the individual. Additionally, the bill removes a provision that prohibits a court from issuing a CQE that grants relief from certain collateral sanctions, and instead specifies that a CQE does not create relief from those sanctions.<sup>40</sup>

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<sup>39</sup> R.C. 6301.20.

<sup>40</sup> R.C. 2953.25(B), (C), and (F).



## **Effect of CQE on employment and licensing**

Under the bill, a CQE creates a rebuttable presumption that the person's criminal convictions are insufficient evidence that the person is unfit for the license, employment opportunity, or certification in question. However, notwithstanding that presumption, the agency may deny the license or certification if it determines that the person is unfit for issuance of the license. A similar presumption applies if an employer has hired a person with a CQE and applies to a licensing agency for a license or certification that otherwise would be barred due to the person's conviction record. The CQE constitutes a rebuttable presumption that the person's criminal convictions are insufficient evidence that the employer is unfit for the license or certification in question.<sup>41</sup>

## **DRC database of certificates issued and revoked**

The bill directs DRC to maintain a database that identifies granted and revoked CQEs and the jobs and types of employers to which the CQEs have been most applicable. It requires DRC to annually create a publicly available report summarizing the information maintained in the database, and to make the report available on DRC's website.

The bill requires DRC to revoke a CQE if the individual is convicted of or pleads guilty to a felony offense after receiving the CQE. DRC must periodically review its database to identify certificates that are subject to revocation. Upon identifying a CQE subject to revocation, DRC must note in the database that the CQE has been revoked, the reason for revocation, and the effective date of revocation. The effective date of revocation is considered the date of the conviction or guilty plea that occurred after issuance of the CQE.<sup>42</sup>

## **In-Demand Jobs Week**

The bill designates May 1 to 7 as "In-Demand Jobs Week." Every year during In-Demand Jobs Week, OWT, in collaboration with JFS and the Departments of Education and Higher Education, is required to organize activities to raise awareness among educators, students, and parents of jobs that are in demand by Ohio employers and the requirements and benefits of those jobs. The activities must include job fairs and company tours to connect middle and high school students with employers.<sup>43</sup>

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<sup>41</sup> R.C. 2953.25(D).

<sup>42</sup> R.C. 2953.25(H) and (K).

<sup>43</sup> R.C. 5.281.



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## HISTORY

ACTION

DATE

Introduced

01-31-17

S0003-I-132.docx/ks

