



Bill Analysis

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Legislative Service Commission

H.B. 519

127th General Assembly
(As Introduced)

Reps. S. Williams, Dyer, R. Hagan, Szollosi, Boyd, Mallory, Luckie

BILL SUMMARY

- Requires the parent of a student enrolled in any of grades K to 12 in a school district (1) to attend a three-hour orientation seminar prior to the start of each school year and (2) to perform 13 hours of service for the district each school year.
- Requires each school district to adopt a policy describing activities in which parents may participate to fulfill the service requirement.
- Imposes a \$100 fine upon each parent who fails to attend the orientation seminar or to perform the service.
- Authorizes the collection of fines by withholding amounts from a parent's state income tax refund.
- Requires each school district to establish a mentoring program for students.
- Requires collected fines to be used only to pay the costs of criminal records checks of persons applying to be a student mentor.
- Requires participating mentors to satisfactorily complete a criminal records check and to complete an annual training course conducted by the district.
- Grants 16 hours of paid leave each year to state employees for participation in educational activities of the employee's child at the child's elementary or secondary school.

- Authorizes a nonrefundable credit against the corporation franchise tax or the commercial activity tax for an employer that pays for leave taken by an employee to participate in the employee's child's school activities.

CONTENT AND OPERATION

Parental service and orientation requirement

(R.C. 3321.30(B))

The bill requires the parent of each student enrolled in any of grades K to 12 in a city, exempted village, or local school district (1) to attend an orientation seminar conducted by the district prior to the opening date of each school year and (2) to perform at least 13 hours of volunteer service for the district each school year. These requirements do not apply to parents of students enrolled in other public schools, such as community (charter) schools or STEM schools.¹

Volunteer service by parents

(R.C. 3321.30(B)(2))

The bill requires a total of 13 hours of volunteer service, regardless of the number of children the parent has enrolled in the district. In other words, the hours of service are *not* per child. A parent with one child in the district and a parent with three children in the district must each perform 13 hours of service.² If a student is also enrolled in a joint vocational school district, the parent may perform all or part of the 13 hours of service for the joint vocational district instead of for the student's home district.

¹ Up to five science, technology, engineering, and math (STEM) schools selected by a subcommittee of the Partnership for Continued Learning through competitive proposals may begin operations in the 2008-2009 school year. Each STEM school will operate through a collaborative effort of a school district and other public and private entities. (R.C. 3326.03, not in the bill.)

² However, in some cases, a parent might have children enrolled in more than one school district. For instance, one child could be enrolled in the resident district, while another child with a disability may be enrolled in another district that offers the special education services the child needs. In that case, it appears that the parent would be required to perform 13 hours of volunteer service in each district.

School district policy

(R.C. 3321.30(E))

Each school district must adopt a policy describing volunteer activities in which parents may participate to fulfill the bill's service requirements. These activities may include any of the following:

- (1) Tutoring;
- (2) Participation on school or district committees;
- (3) Assistance with extracurricular activities;
- (4) Chaperoning field trips;
- (5) Lunchroom or library assistance;
- (6) Clerical work; or
- (7) Any other activity the board of education determines is necessary or useful for the district and can be performed by a volunteer parent.

Orientation seminar

(R.C. 3321.30(D))

All school districts, except for joint vocational districts, must conduct the annual orientation seminar for parents. The seminar must be held at least twice each year before opening day for students, and more times if necessary to accommodate all parents. Each seminar must be three hours in length and include coverage of (1) the district's expectations of parents during the school year, including the volunteer service requirement and the \$100 penalty for failure to complete the service (see "**Imposition of fine**" below), (2) strategies for parents to help their children succeed in school, including the importance of regular attendance and managing homework, (3) opportunities for parents and students to participate in school activities, and (4) other topics the district considers relevant.

Designation of "parent" responsible for service

(R.C. 3321.30(A) and (C))

For purposes of the bill, the "parent" who fulfills the bill's service and orientation requirements must be one of the following individuals:

- (1) The student's custodial natural or adoptive parent;

- (2) The student's legal custodian other than a parent;
- (3) The student's court-appointed guardian; or
- (4) The student's grandparent if the grandparent is an attorney-in-fact under a power of attorney or if the grandparent has executed a caregiver affidavit.³

If a student has two parents who share custody for the student, either of the parents may fulfill the requirements or they may split the responsibilities between them. For example, one parent may attend the orientation seminar and perform 5 hours of volunteer service while the other parent performs the remaining 8 hours of volunteer service. When one parent has sole custody of the student, that parent must fulfill both requirements in their entirety.

Imposition of fine

(R.C. 3321.30(F) and (H))

The bill imposes a \$100 fine upon each parent who fails to attend the orientation seminar or to perform the required voluntary service, unless the parent shows good cause as to why he or she was unable to complete both requirements. On or before June 13 of each school year, the superintendent of each school district must report to the Department of Education the name and address of each parent that failed to attend the seminar or perform the service. The Department must notify the parent in writing of the impending fine, the permissible methods of payment, the deadline for payment, and the procedure for showing good cause. The notice must disclose that, if the parent fails to pay the fine before the deadline, the fine amount will be withheld from the parent's state personal income tax refund, if any.

The bill requires the State Board of Education to adopt rules establishing procedures by which a parent may show good cause and requiring the Department of Education to waive a parent's fine if good cause is shown.

³ Continuing law permits a grandparent to be named the attorney-in-fact in a power of attorney executed by a child's parent or permits a grandparent to execute a caregiver affidavit, if the child's parents cannot be located after reasonable attempts to do so. Either instrument authorizes the grandparent, with whom the child lives, to enroll the child in school. (R.C. 3109.51 to 3109.80, none in the bill.)

Fine collection

(R.C. 3321.30(G) and 5747.124)

The bill authorizes the collection of unpaid fines by withholding amounts from an obligated parent's state income tax refund. The bill requires the Department of Education, on or before January 15 of each year, to report to the Tax Commissioner the name and address of each obligated parent who failed to show good cause or to pay the fine as of December 31. The Department must inform the Commissioner promptly of fines paid subsequent to December 31.

The bill requires the Tax Commissioner to cooperate with the Department of Education to establish and implement procedures for withholding amounts from refunds. At the Department's request, the Commissioner must release to the Department the home address and social security number of any obligated parent whose unpaid fine may be collected from a tax refund. (Under current law, the Tax Commissioner is prohibited from divulging such information.) (R.C. 5703.21.)

In the case of a joint return, the bill permits the Commissioner to collect only that portion of a refund due to the obligated parent. The bill appears to require the Commissioner to send a collection notice to the obligated parent and the parent's spouse disclosing the amount that will be withheld from the refund. If the spouse objects to the amount of the refund to be used for collection of the fine, the spouse may file a complaint with the Commissioner. The complaint must be filed within 21 days after receipt of the notice of collection. The Commissioner must afford the spouse an opportunity to be heard. The spouse bears the evidentiary burden of showing that less of the refund should be used to pay the fine.

Use of collected fines

(R.C. 3321.30(I) and 5747.124)

The Department of Education may use collected fines only to pay the costs of the criminal records checks of persons applying to be a mentor under R.C. 3313.88. (See "**Criminal records checks of mentors**" below.) If a school district elects to request criminal record checks itself rather than having the Department request the checks (R.C. 3313.88(C)(2)), the Department must reimburse the school district for the costs of the checks with the collected fines. If the collected fines are insufficient to pay the costs of all criminal records checks, they must be used first to reimburse school districts who elected to request checks. All fines collected by the Tax Commissioner must be credited to the Parental School Participation Fund, which the bill creates in the state treasury.

School district mentoring programs

(R.C. 3313.88)

Under the bill, each school district (including a joint vocational school district) must adopt a policy establishing a mentoring program for students. The district must create a division of mentoring with a distinct unit of staff to implement the program. All participating mentors must complete an annual training course developed by the division of mentoring.

Criminal records checks of mentors

(R.C. 109.57, 3313.88(B)(1) and (C), and 3321.30(I))

In addition to the annual training, each mentor must submit to a criminal records check by the Bureau of Criminal Identification and Investigation (BCII) and the Federal Bureau of Investigation (FBI). If a person applying to be a mentor was convicted of or pleaded guilty to a crime that would bar the person from employment with the district (mostly sex offenses, other offenses of violence, and drug offenses), the district cannot permit the person to mentor students. These requirements regarding mentors are an exception to the general records check provisions of continuing law applicable to school district volunteers. Under those provisions, a district, at its discretion, may conduct criminal records checks of volunteers who have unsupervised access to children. If a volunteer has been convicted of or pleaded guilty to a disqualifying offense, the district may still retain the volunteer in a position involving unsupervised access to children, but it must notify the parent of each child of that decision.⁴ Under the bill, however, a mentor with a disqualifying offense must be dismissed.

The bill generally requires the Department of Education to request the criminal records checks of individuals applying to be mentors, based on names reported by each district's director of the division of mentoring. However, the district may choose to request the records checks itself. The cost of records checks requested by the district must be paid by the district; otherwise, the Department must pay for the checks. The Department must use the fines collected from parents who fail to complete the orientation seminar and 13 hours of volunteer service (see "*Volunteer service by parents*" above) to cover the costs of the records checks for mentors. If those fines are insufficient to cover the costs of all the records checks, the Department must reimburse school districts that elect to

⁴ R.C. 109.574 to 109.577, none in the bill. The notice must include the volunteer's name, but it may not indicate the offense committed.

do their own records checks prior to using the funds to cover the costs of the records checks requested by the Department.

Paid leave for state employees to participate in child's educational activities

(R.C. 124.1311)

The bill grants each state employee 16 hours of paid leave per year for participation in educational activities of the employee's child at the child's school. Employees may use the leave for (1) a natural or adopted child, (2) a stepchild, (3) a foster child, (4) a grandchild, (5) a child for whom the employee has been appointed the legal guardian or custodian, or (6) a child for whom the employee acts as parent in any other legal capacity. The leave applies only if the child is enrolled in elementary or secondary school.

Educational activities for which the leave may be used must be school-sponsored and may include, among other things, (1) parent-teacher conferences, (2) tutoring, (3) volunteer programs, (4) field trips, (5) classroom programs, (6) school committee meetings, (7) academic competitions, or (8) assistance with an athletic, music, or theater program.

Tax credit

(R.C. 5733.01, 5733.54, 5733.98, 5751.54, and 5751.98)

The bill authorizes a nonrefundable credit against the corporation franchise tax or the commercial activity tax for an employer that pays for leave taken by an employee to participate in activities at an elementary or secondary school the employee's child attends that directly relate to the employee's child. The credit equals the number of hours of leave paid, up to 16 hours for each employee per year, multiplied by the employee's hourly wage (or its equivalent if the employee is salaried). The credit must be claimed for the taxable year or tax period in which the leave is paid, and it may not exceed the taxpayer's tax liability. The credit applies to tax years and periods beginning in 2009 or thereafter. If a credit is claimed against the corporation franchise tax, a credit for the same leave may not be claimed against the commercial activity tax, and vice versa.

HISTORY

| ACTION | DATE |
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| Introduced | 03-31-08 |

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