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## BROADCAST EDUCATIONAL MEDIA COMMISSION

- Renames and reconstitutes the eTech Ohio Commission (eTech) as the Broadcast Educational Media Commission (BEMC).
- Transfers all of the state's educational broadcasting services from eTech to BEMC. Of the duties not transferred to BEMC, some are transferred to the Chancellor of the Board of Regents and to the Department of Education, while other duties are eliminated.
- Allows for the continuation of some eTech employees with BEMC, as well as the transfer of some eTech employees to the Department or to the Chancellor in order to administer those activities transferred to the Department or to the Chancellor.
- Terminates all terms of members of the former eTech Ohio Commission on June 30, 2013. Members of the newly constituted Broadcast Educational Media Commission begin their terms of office on July 1, 2013.
- Eliminates statutory provisions for the state technology plan, the Interactive Distance Learning Pilot Project, the Education Technology Trust Fund, and the Information Technology Service Fund.

### Broadcast Educational Media Commission

The bill renames and reconstitutes the eTech Ohio Commission (eTech) as the Broadcast Educational Media Commission (BEMC) and transfers all duties related to the state's educational broadcasting services from eTech to BEMC.

#### Background

The eTech Ohio Commission was created in 2005 by a merger of the Ohio SchoolNet Commission and the Ohio Educational Telecommunications Network Commission. It is a state agency that provides financial and technical assistance to school districts, other educational entities, public television and radio stations, and radio reading services for the acquisition and use of educational technology and for the development of educational materials. The Commission consists of 13 members, nine of whom are voting members and four of whom are nonvoting legislative members. The voting members include six representatives of the public, the Superintendent of Public Instruction (or a designee), the Chancellor of the Board of Regents (or a designee), and the state chief information officer (or a designee). Of the six public members, four are appointed by the Governor (with the advice and consent of the Senate) and one each is



appointed by the Speaker of the House and the President of the Senate. The Commission appoints an executive director and other employees to carry out its functions. Its employees are unclassified civil servants and are, generally, exempt from collective bargaining. Some employees, who transferred from one of the Commission's predecessor agencies may be entitled to collectively bargain if they were included in a bargaining unit with the predecessor agency.

### **Reconstitution of eTech as the Broadcast Educational Media Commission**

(R.C. 3353.01, 3353.02, 3353.04, 3353.06, 3353.07, and 3353.09; conforming changes in R.C. 105.41, 125.05, 3313.603, 3314.074, 3317.06, 3317.50, 3317.51, 3319.22, 3319.235; Sections 263.470, 363.570, and 515.50 through 515.53; Section 4 of S.B. 171 of the 129th General Assembly, amended in Sections 610.20 and 610.21)

The bill renames and reconstitutes the eTech Ohio Commission as the Broadcast Educational Media Commission effective July 1, 2013. On that date, all duties and rules of the eTech related to the state's educational broadcasting services, including educational television and radio and radio reading services, are transferred to the new BEMC. Duties that are not transferred to BEMC as a result of this reconstitution are either eliminated or transferred to the Chancellor of the Board of Regents or the Department of Education.

#### **Elimination of duties**

(R.C. 3353.02(G), 3353.04(A), and 3353.06(B); Section 515.53)

Under the bill, five specific duties of eTech are eliminated and, therefore, do not continue as duties of the newly constituted BEMC. The eliminated duties include (1) making grants for the provision of technical assistance and professional development to enable schools, educational institutions, and affiliates to utilize educational technology, (2) establishing a reporting system for entities that receive such grants, (3) ensuring that products that are produced by an entity that receives financial assistance from the Commission, and are intended for use in primary and secondary schools, are aligned with statewide academic standards, (4) using moneys accredited to the Affiliates Services Fund for professional development programs and services, and (5) establishing advisory committees to provide guidance to the Commission regarding educational technology issues and needs.

In addition to the duties described above, the bill specifies that any duties that do not relate to the state's educational broadcasting services or are not specifically transferred to the Chancellor or the Department are eliminated.



### **Transfer of duties**

(R.C. 125.05, 3314.074, 3317.50, 3317.51, and 3319.235; Sections 515.50-515.52)

The bill transfers certain duties of the former eTech Ohio Commission to either the Chancellor of the Board of Regents or to the Department of Education. The transferred duties relate mainly to professional development programs for educators on technology, the administration of funds used to make technology grants to schools, and hardware and software supplies for schools.

Under the bill, duties specifically transferred to the Chancellor include (1) in consultation with the Department, the establishment of professional development programs to assist educators in integrating technology in education and providing technical assistance to schools in order to establish such programs, (2) the administration of the Telecommunity Fund, which the Chancellor must use to finance technology grants to state-chartered elementary and secondary schools, and (3) the administration of the Distance Learning Fund, which the Chancellor must use to finance technology grants to eligible school districts.<sup>6</sup>

Under the bill, duties specifically transferred to the Department include (1) the purchase of software supplies and services for specified school districts at a reduced price, (2) the redistribution of software and hardware supplies that were originally leased by the former Ohio SchoolNet Commission or the former eTech Commission and are returned by a permanently closed community school, and (3) as a consulting entity to the Chancellor, the establishment of professional development programs to assist educators in integrating technology in education and providing technical assistance to schools in order to establish such programs.

### **Continuation and transfer of employees**

(Sections 515.50 to 515.52)

Under the bill, all employees of the former eTech Ohio Commission that were assigned to activities related to the state's educational broadcasting services (including educational television, radio, or radio reading services) continue with the newly constituted BEMC and retain their positions and benefits. In addition, some eTech employees may be transferred to either the Department of Education or the Chancellor of the Board of Regents in order to administer those activities transferred to the Department or to the Chancellor in the reconstitution.

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<sup>6</sup> However, Section 363.570 of the bill instructs the Director of Budget and Management to transfer the cash balance in the Telecommunity Fund to the Distance Learning Fund and abolishes the Telecommunity Fund.

The bill specifies that all of the above employee transfers and continuations are subject to the normal layoff provisions. Furthermore, the bill retains a provision of current law that specifies that any employee who was included in a bargaining unit with one of eTech's predecessors, retains all previous collective bargaining rights.

### **Membership of the Commission**

(R.C. 3353.02)

On June 30, 2013, the bill terminates all terms of office of the members of the eTech Ohio Commission and specifies that members of the newly constituted BEMC will begin their terms on July 1, 2013.

The membership structure of BEMC remains largely the same as the previous membership structure of eTech. However, the bill makes two changes to membership structure. First, it specifies that the six voting members of the public that serve on the Commission must be selected from among the leading citizens in the state who have an interest in educational broadcast media, demonstrated through service on boards or advisory councils of educational television stations, educational radio stations, educational technology agencies, or radio reading services. Second, the bill requires that the Governor appoint a chairperson of the Commission from the Commission's *public* voting members, rather than from any of its voting members as in the case of current law pertaining to eTech. The remainder of the membership structure of BEMC remains identical to that of the eTech Ohio Commission.

### **State technology plan**

(Repealed R.C. 3353.09)

The eTech Ohio Commission is charged with developing, implementing, and updating a state technology plan "to create an aligned educational technology system" from preschool through higher education. The Commission must consult with the State Board of Education in the development and modification of the plan.

The bill eliminates the requirement for the plan.

### **Interactive Distance Learning Pilot Project**

(Repealed R.C. 3353.20)

H.B. 1 of the 128th General Assembly, in 2009, required the eTech Ohio Commission, with assistance from the Department of Education and the Chancellor, to establish an interactive distance learning pilot project to provide at least three courses free of charge to high schools.



The bill eliminates this requirement.

## **Education Technology Trust Fund; Information Technology Service Fund**

(Repealed R.C. 183.28 and 3353.15)

The bill eliminates the Education Technology Trust Fund, which formerly held tobacco settlement moneys dedicated to educational technology. It also eliminates the Information Technology Service Fund. The latter fund was created in 2011 by H.B. 153 to hold money received by the eTech Ohio Commission from educational entities for the provision of information technology services.

