
DEPARTMENT OF EDUCATION AND WORKFORCE

I. Transfer of State K-12 Governance

Department of Education and Workforce

- Renames the Department of Education as the Department of Education and Workforce (DEW).
- Creates the position of the Director of Education and Workforce, who is appointed by the Governor, with the advice and consent of the Senate, and is the head of DEW.
- Establishes within DEW the Division of Primary and Secondary Education and the Division of Career-Technical Education, each of which is headed by a Deputy Director appointed by the Director with the advice and consent of the Senate.

State Board of Education

- Transfers most of the powers and duties of the State Board of Education and the Superintendent of Public Instruction to DEW.
- Retains the State Board's and state Superintendent's powers and duties regarding educator licensure, licensee disciplinary actions, school district territory transfers, and certain other areas.
- Expands the uses for the State Board Licensure Fund.

Implementation deadline

- Requires the Director, Department, State Board, and state Superintendent to complete any action necessary to implement the transfer of powers within 90 days of the bill's effective date.

Workforce Development

- Requires DEW to develop informational materials for seventh and eighth graders about available career opportunities.
- Requires DEW to participate in the process to identify in-demand jobs.
- Requires the Governor to appoint the Deputy Directors to the Governor's Executive Workforce Board.

Nonchartered nonpublic schools

- Codifies an administrative rule that sets minimum requirements for nonchartered nonpublic schools, including hours of instruction, educational requirements for teachers and administrators, curriculum, promotion, and safety requirements.
- Requires the Director of Education and Workforce to update existing rules to conform to the changes and prohibits the adoption of any additional rules for nonchartered nonpublic schools.

Home education and school attendance

- Exempts a child from the compulsory school attendance law if the child's parent submits a notice to the superintendent of the child's school district of residence that the child is receiving a home education in specified subject areas.
- Specifies that a child exempt for the purposes of home education may be subject to state truancy law if there is evidence the child is not receiving the required education.

II. School finance

Funding for FY 2024 and 2025

- Extends the operation of the school financing system established in H.B. 110 of the 134th General Assembly, with changes, to FY 2024 and FY 2025.
- Extends to FY 2024 and FY 2025 the payment of temporary transitional aid related to school transportation to school districts based on an FY 2020 funding base.
- Requires the payment of transitional aid to districts, community schools, and STEM schools based on an FY 2023 funding base.

Student wellness and success fund

- Requires the Department to notify, in each fiscal year, each school district, community school, and STEM school of the portion of the district or school's state share of the base cost that is attributable to the staffing cost for the student wellness and success component.
- Requires districts and schools to spend student wellness and success funds (SWSF) on the same initiatives required for disadvantaged pupil impact aid (DPIA) funds.
- Requires districts and schools to spend at least 50% of SWSF for either physical or mental health based initiatives, or a combination of both.
- Requires districts and schools to develop a plan to use SWSF in coordination with certain community based mental health treatment providers and other community partners.
- Requires that any SWSF allocated in any of FYs 2020 through 2023 be expended by June 30, 2025, and any unexpended funds be repaid to the Department.
- Beginning in FY 2024, requires all SWSF to be expended by the end of the following fiscal year, and any unexpended funds be repaid to the Department.
- At the end of each fiscal year, requires each district and school to submit a report to the Department describing the initiative or initiatives on which the district or school's SWSF were spent during that fiscal year.

Disadvantaged pupil impact aid

- Makes changes in initiatives for which schools may spend DPIA.

Gifted funding requirements

- Makes permanent, and in some cases revises, requirements regarding gifted student funding and services, including spending requirements, funding reductions for noncompliant spending, and reporting and auditing requirements.

Jon Peterson Special Needs Scholarship amounts

- Increases the base and category amounts for the Jon Peterson Special Needs Scholarship Program for FY 2024 in proportion to the bill's estimated proposed increase of 12.1% to the statewide average base cost per pupil and increases the category amounts for FY 2025. Increases the funding cap for the Jon Peterson Special Needs Scholarship Program from \$27,000 to \$30,000 for FY 2024 and to \$32,445 for FY 2025.

Payment for districts with decreases in utility TPP value

- Requires the Department to make a payment, for FY 2024 and FY 2025, to each city, local, exempted village, or joint vocational school district that has at least one power plant within its territory and that experiences a 10% or greater decrease in the taxable value of utility tangible personal property (TPP) and an overall negative change in TPP subject to taxation.

Newly chartered nonpublic school auxiliary services funds

- Permits a newly chartered nonpublic school, within ten days of receiving its charter, to elect to receive auxiliary services funds directly.

Community school equity supplement

- Requires the Department to pay a \$400 per student equity supplement in FY 2024 and FY 2025 to each community school that is not an e-school.

DOPRs and career-technical programs

- Adds dropout prevention and recovery programs (DOPRs) of school districts, community schools, and STEM schools to the approval process for state funding for career-technical education programs.
- Requires the Department to authorize a payment for a DOPR offering a career-technical program that is in its first year of operation and that submits an application for approval after the May 15 deadline established under continuing law.

DOPR community school credential-only programs

- Requires the Department to include students enrolled in a credential-only program at a DOPR community school in the school's category one career-technical ADM and to count those students as full-time students.
- Permits a DOPR community school that offers a credential-only program to provide support services to its graduates to assist them in securing post-secondary placement opportunities.

- Authorizes a DOPR community school to use a portion of its career-technical education funds to provide its recent graduates with short-term, emergency financial assistance related to specified issues.

DOPR e-school funding pilot program

- Makes permanent and revises the operation of the pilot program that provides additional funding to DOPR internet- or computer-based community schools (e-schools).

School funding based on updated TY 2021 data

- Requires the Department to compute the state foundation aid for a school district whose property tax information was incorrectly reported in tax year 2021 using updated information for that year.

III. Student transportation

School district schedule

- Eliminates requirements for a school district to consider, notify, and consult with each joint vocational school district (JVSD), community school, and chartered nonpublic school whose students the district transports when the district changes its school schedule.
- Requires instead that a school district receive approval to change its schedule from each JVSD, community school, and chartered nonpublic school whose students the district transports.

Transportation communication schedule

- Requires each community school, chartered nonpublic school, and school district to adhere to a specified communication schedule regarding student transportation.

Transportation dispute resolution timeline

- Requires the Department to resolve any disputes over determinations regarding transportation noncompliance received after December 1, 2023, within 30 days of receiving notice of the dispute, or within 45 days if the Department notifies all affected parties in advance of the delay.
- Requires the Department to take initial action on mediation regarding declarations of impracticality to provide transportation received after December 1, 2023, within 30 days of receiving the request for mediation, or within 45 days if the Department notifies all affected parties in advance of the delay.

Deadline to resolve pending transportation disputes

- Requires the Department, by December 1, 2023, to process and resolve certain pending transportation disputes.

Late drop-off

- Prohibits transportation operators from delivering students late to school.

Payment in lieu – determinations of impracticality

- Requires determinations of impracticality be re-evaluated at least every other year and be reconsidered in each year if a parent or guardian has a change of circumstance and requests transportation.
- Sets the maximum for a payment in lieu of providing transportation upon a finding of impracticality to \$2,500.

Out of compliance definition and penalties

- Defines “out of compliance” with regard to student transportation requirements as a period of five consecutive school days or more than ten school days within a school year in which certain conditions apply.
- Requires the Department to withhold transportation payments from a district that is found to be out of compliance with transportation requirements.
- Requires a district found to be out of compliance to submit a remediation plan to the Department. Once a district meets the terms of the remediation plan, requires the Department to resume transportation payments to that district.
- Requires the Department to calculate, for each day after that the district is found to be out of compliance the daily amount of that payment on a per-pupil basis and disburse that per-pupil amount to the parent or guardian of each student who did not receive proper transportation while the district was out of compliance.

Bus Driver Flex Career Path Model

- Requires the Department to develop the Bus Driver Flex Career Path Model to create a pathway for bus drivers to work as educational aides or student monitors at districts and schools.

Nine-passenger vehicles

- Authorizes a school district to use a vehicle designed to carry nine passengers or less (not including the driver) in lieu of a school bus to transport chartered nonpublic and community school students under certain conditions.
- Authorizes a community school to transport its students using a nine-passenger or less vehicle under certain circumstances.
- Adds a new circumstance under which a chartered nonpublic and a community school may transport its students to and from regularly scheduled school sessions using a nine-passenger or less vehicle to include when the school has offered to provide its own student transportation.

Daily pre-trip school bus inspections

- Requires the Superintendent of Public Instruction and the Director of Public Safety to modify their rules related to daily pre-trip school bus inspections by removing checks of specified equipment.

- Specifies that the State Highway Patrol must still check that equipment in their regular school bus equipment inspections.

Pilot program

- Establishes a pilot program under which two educational service centers provide transportation to students enrolled in participating community schools, STEM schools, and chartered nonpublic schools in the 2023-2024 school year.

IV. Dyslexia screening and intervention

Transfer students

- Requires school districts and schools to administer grade-level aligned dyslexia screenings to students enrolled in grades K-6 who transfer into the district or school midyear.
- Exempts a district or school from administering a tier one dyslexia screening measure to a transfer student who received a screening in that school year from the student's original school.
- Generally requires a district or school to administer a dyslexia screening within 30 days of transfer student enrollment or request, though a kindergarten transfer student screening may be performed at the regularly scheduled screening for all kindergartners if the student transfers before that assessment has been performed.

Professional development

- Requires teachers hired after April 12, 2021, to complete dyslexia professional development training by the later of two years after the date of hire or prescribed dates, unless the teacher has completed the training while employed by a different district.

V. State scholarship programs

Ed Choice Expansion eligibility and scholarship amounts

- Expands eligibility for an Ed Choice Expansion scholarship to any student entering any of grades K-12 in the school year for which a scholarship is sought.
- Establishes in codified law a logarithmic function formula to calculate Ed Choice Expansion scholarship amounts for students who receive a first-time scholarship on and after the bill's effective date, but also prescribes specific, partial scholarship amounts for the 2023-2024 school year only for students with a family income at or above 450% federal poverty level (FPL).
- Bases the income eligibility threshold for an Ed Choice expansion scholarship on a "family's adjusted gross income" rather than "family income."
- Eliminates the priority order for awarding Ed Choice expansion scholarships if the number of eligible students who apply for a scholarship exceeds the scholarship available based on the appropriation.

Ed Choice scholarship selection

- Permits a student that qualifies for both an income-based and a performance-based Ed Choice scholarship to select which of those scholarships the student would like to receive.
- Permits a student to change which scholarship they receive in each school year.

Use of private scholarships for Ed Choice

- Permits a chartered nonpublic school to accept private scholarships issued by a scholarship granting organization as payment for the difference between the amount of a scholarship and the regular tuition charge of the school, as well as for any fees regularly charged by the school.

Autism Scholarship

Eligibility

- Expands qualification for the Autism Scholarship Program to a child who receives an autism diagnosis from a physician or psychologist.
- Qualifies a child for a scholarship under one, instead of both, existing qualifications.
- Requires school districts to develop an education plan for a child who is eligible for the Autism Scholarship Program based on an autism diagnosis who does not have an individualized education program.

Intervention services providers

- Qualifies certified Ohio behavior analysts as providers that may offer intervention services under the Autism Scholarship Program.
- Qualifies registered behavior technicians as providers that may offer intervention services under the Autism Scholarship Program if the registered behavior technician works under the supervision and following the intervention plan of a certified Ohio behavior analyst or certain other certified behavior analyst.
- Prohibits the State Board from requiring registered behavior technicians and certified Ohio behavior analysts to have an instructional assistant permit to qualify to provide services to a child under the Autism Scholarship Program.

State scholarships – general

Verification of income

- Specifies what documents a student's parent or guardian may use to certify income eligibility for an Ed Choice expansion scholarship to the Department.
- Prohibits the Department from requiring the parent of a student who is applying for, or receiving, a state scholarship, other than an Ed Choice expansion scholarship, from completing any kind of income verification regarding the student's family income.
- Creates an exception to the general prohibition described above for the purpose of qualifying low-income Ed Choice or Cleveland scholarship recipients for a waiver of any

tuition, textbooks, or fees related to attending a private college through the College Credit Plus Program.

Tax return information

- Exempts an individual who is not required to file a state tax return under continuing law requirements from the requirement to certify income eligibility for an Ed Choice expansion scholarship.
- Prohibits the Department from requiring the parent of a student to submit a complete copy of the parent's federal or state income tax return to determine the student's family income for the purposes of the traditional Ed Choice or Cleveland Scholarship Program.
- Permits the Department to require a partial federal or state tax return that only contains the minimum amount of information necessary to determine the student's family income.

Waiver of additional tuition

- Removes the requirement under current law that a chartered nonpublic school or private school participating in certain state scholarship programs waive any additional tuition above a scholarship amount for a student with a family income at or below 200% FPL.

Reporting of tuition rates

- Requires certain educational entities that enroll students through a state scholarship, by September 30, 2023, for the 2023-2024 school year and by June 30 prior to each following school year, to submit to the Department the entity's tuition rates for that year.

Application after the start of the school year

- Delays the application deadline for receiving the full amount of an Ed Choice or Cleveland scholarship from July 1 to October 15 of the school year for which a scholarship is sought.
- Requires the Department to prorate the amount of a student's scholarship for an application submitted on and after October 15 based on how much of the school year remains after the date of the student's enrollment in school.

Cleveland scholarship program location restrictions

- Permits a student who resides in Cleveland Municipal School District to use the Cleveland Scholarship to attend any private school, without a restriction on location of that school.

Family income disclosure

- Prohibits a chartered nonpublic school participating in Ed Choice from requiring a student's parent to disclose, as part of the school's admission procedure, whether the student's family income is at or below 200% FPL.

VI. Community schools

Community school sponsors

- Modifies the calculation of the academic performance component of a community school sponsor's evaluation.

- Requires each sponsor to submit documentation of the sponsor’s adherence to quality practices by May 15 of each year and permits the sponsor to participate in an interview to assess sponsor adherence to those practices.
- Requires the Department to request proposals for, and select an organization to develop, a portfolio-based sponsor evaluation framework in accordance with specific time frames.
- Expands eligibility from sponsors rated exemplary for the two most recent school years to all sponsors rated exemplary for statutory incentives.
- Excludes the academic performance of a community school with which an “exemplary” sponsor has entered into a contract for the first two years of that contract if the Office of Ohio School Sponsorship was the school’s most recent sponsor.
- Requires the Department, in deciding whether to approve a request to change sponsors from a community school that primarily serves students with disabilities to at least consider the school’s performance against the average performance of all other community schools that primarily serve students with disabilities.
- Permits a community school that primarily serves students with disabilities to enter into a contract with a new qualified sponsor without submitting a request if it satisfies certain report card rating criteria.

Community school FTE reporting

- Extends through the 2023-2024 and 2024-2025 school years the option of certain community schools to report their student enrolment on a full-time equivalent basis based partially on credits earned.

Dropout prevention and recovery schools

End-of-course exams for DOPR community schools

- Requires a dropout prevention and recovery (DOPR) community school to administer end-of-course exams in an online or paper format based on the needs of the student, in addition to the testing windows established under continuing law.
- Requires the state Superintendent to establish extended testing windows of ten weeks in duration in the fall and spring for dropout recovery community schools so that assessments may be administered in closer proximity to when students complete related coursework.
- Requires the state Superintendent to establish a summer testing window for students participating in summer instruction.

DOPR report card

- Requires the State Board of Education to consult with stakeholder groups and use data from prior school years and simulations in establishing benchmarks and performance levels for performance indicators on the DOPR community school report card.

DOPR Advisory Council

- Establishes the Dropout Prevention and Recovery Advisory Council to provide a forum for communication and collaboration between the Department and parties involved with dropout recovery community schools.
- Requires the Council to review, in collaboration with the State Board, all existing rules and guidance previously developed or adopted by the Department of Education.

Rules and guidelines for DOPR community schools

- Requires the Department to adopt any requirement imposed on a DOPR as a rule under the Administrative Procedure Act and prohibits the Department from developing guidelines, rather than rules, imposing requirements on a DOPR.
- Requires that any new rule related to DOPR community school requirements be reviewed prior to adoption by the Dropout Prevention and Recovery Advisory Council.

E-school standards

- Changes the source for the standards with which e-schools must comply.

Community school closing audit bonds and guarantees

- Removes provisions related to community school closing audit bonds. (For more information, see “**Community school closing audit bonds ad guarantees**” in the Treasurer of State portion on this analysis.)

VII. School districts

Academic intervention services for qualifying students

- Requires each school district, community school, and STEM school to provide academic intervention services, free of cost, to students who demonstrate a limited level of skill on a state assessment in math, science, or English language arts.
- Requires the Department to include a student who receives sufficient remediation under the bill’s provision in the postsecondary readiness measure used to calculate the College, Career, Workforce, and Military Readiness component on the state report card.

Intradistrict open enrollment

- Requires a school district to report to the Department the number of students who attend a school building other than the one to which they are assigned.
- Requires a district to conduct a lottery to determine intradistrict placement of students by the second Monday of June prior to the school year for which enrollment is sought.

Virtual education during school closure

- Requires a school district, community school, STEM school, or chartered nonpublic school to adopt a plan to provide instruction through a virtual education model during a period of school closure for specified reasons.

- Repeals the process under which a district, community school, or chartered nonpublic school may adopt a plan to require students to complete lessons posted on the district or school's website, or paper copies of those lessons ("blizzard bags"), during a period of school closure for specified reasons.

Seizure action plans

- Requires public and chartered nonpublic schools to create an individualized seizure action plan for each enrolled student who has an active seizure disorder diagnosis.
- Requires at least one employee at each school to be trained on implementing seizure action plans.
- Provides a qualified immunity in a civil action for money damages for school districts and schools and their officers and employees for injury, death, or other loss allegedly arising from providing care or performing duties under the bill.
- Entitles the provisions "Sarah's Law for Seizure Safe Schools Act."

School district property disposal

- Modifies the manner in which a school district must advertise, solicit, and select bids for the sale of real property at a public auction.
- Revises the law on involuntary disposition of school district property.
- Eliminates the Facilities Construction Commission's authority to approve a school district's demolition of a facility, without complying with the school property disposal law as otherwise required under continuing law, to clear a site for a replacement facility as part of a school facilities project.

Cash payments for school-affiliated events

- Requires qualifying schools to accept cash payments for tickets and concessions at school-affiliated events, unless the event is conducted at a public facility that is leased by a professional sports team or privately owned facility.

Free feminine hygiene products

- Requires all public and private schools that enroll girls in grades six through 12 to provide free feminine hygiene products for those students and permits schools to provide products to students below grade six.

Auxiliary services personnel

- Prohibits a school district from denying a nonpublic school's request for properly licensed personnel to provide auxiliary services.

Auxiliary services reimbursement for Educational Service Centers

- Specifies that if an ESC contracts with a district to provide auxiliary services, only the ESC may be reimbursed for administrative costs.

Pecuniary interest of school board members

- Exempts a school board member employed by a private institution of higher education from the prohibition against members having a financial interest in a contract with the district when the contract is with a private institution of higher education.

VIII. Diplomas and graduation requirements

FAFSA graduation requirement

- Requires all public and chartered nonpublic school students to complete the Free Application for Federal Student Aid (FAFSA) in order to qualify for a high school diploma, unless an exception applies.

Financial literacy instruction in lieu of social studies

- Permits a student to substitute one-half unit of financial literacy instruction for one-half unit of social studies instruction to meet the law's financial literacy education curriculum requirement for graduation.

Competency-based diploma pilot program

- Requires the Department to operate a competency-based diploma pilot program in FY 2024 and 2025 for students who are at least 18 years old, but under 22 years old and issue a report on the pilot program by July 30, 2025.

Adult Diploma Pilot Program minimum age

- Expands eligibility to participate in the Adult Diploma Pilot Program by lowering the minimum age from 20 to 18 years old.

IX. Educator and other licensing and permits

Ohio Teacher Residency Program

- Permits mentoring under the teacher residency program to occur online or in-person.
- Requires the Department to provide no-cost access to online professional development resources.
- Provides a no-cost opportunity for online coaching to participants who do not pass the Resident Educator Summative Assessment (RESA).
- Permits participants who have not taken the RESA to receive online coaching if the participant's district or school pays for the associated costs.
- Prohibits the State Board from limiting the number of attempts participants have to successfully complete the RESA.

Alternative resident educator license

- Reduces the alternative resident educator license from four to two years but makes that license renewable.

- Permits the holder of an alternative resident educator license to teach preschool students.
- Permits the holder of an alternative resident educator license to convert that license to a renewable alternative educator license instead of completing the Ohio Teacher Residency Program and other certain prescribed requirements necessary for obtaining a professional educator license.

Substitute teacher license

- Permits schools to hire substitute teachers without a post-secondary degree.
- Establishes a one-year temporary substitute teacher license.

Out-of-state teacher license

- Permits an applicant for a one-year nonrenewable out-of-state teaching license who passes Ohio's Foundations of Reading Exam on the first try to forgo the required completion of coursework in the teaching of reading.

Licensure grade bands

- Expands the grades bands for which an individual may receive a resident educator license, professional educator license, senior professional educator license, or a lead professional educator license to pre-K -8 or grades 6-12.
- Permits a school district or community school to employ an educator to teach not more than two years outside of the educator's designated grade band for two school years at a time.

Pre-service teaching for compensation

- Establishes a three-year pre-service teaching permit for student teachers that authorizes them to substitute teach and receive compensation for it.

Computer science educator licensure

- Permits industry professionals to teach 40 hours a week in computer science without taking a content examination.
- Requires all computer science licenses to carry a grade band designation of K-12, pre-k-5, 4-9, or 7-12.
- Extends through the 2024-2025 school year an exemption that permits a public school to permit a licensed teacher to teach computer science in any of grades K-12, provided the teacher completes a specific professional development course.
- For purposes of that exemptions, extends the grade bands for which a license holder must be licensed to teach from any of grades 7-12 to any of grades K-12.

Financial literacy license validation

- Exempts all chartered nonpublic schools from the general requirement that teachers who provide high school financial literacy instruction have a financial literacy license validation.
- Disqualifies chartered nonpublic schools from receiving reimbursement for costs associated with financial literacy license validation for teachers.

School counselor licensure

- Codifies the requirements for an initial five-year professional pupil services license in school counseling.
- Adds as a new requirement for an initial license that an applicant complete six hours of specified training about the building and construction trades.
- Requires an individual who holds a license to complete at least four hours of specified training about the building and construction trades, which training may be conducted and approved by a member of the building and construction trades.

Community school employee misconduct

- Prohibits a community school from employing a person if the person's educator license was permanently revoked or denied or if the person entered into a consent agreement in which the person agreed not to apply for an educator license in the future.

Private school educator certification

- Makes explicit that the State Board must issue teaching certificates to private school administrators, supervisors, and teachers who hold a master's degree from an accredited college or university.

Veterans teaching without a license

- Expands eligibility for veterans to teach without a license in a school district by removing the restriction that only veterans who were honorably discharged within three years of June 30, 1997, may teach at a school district without a license.
- Permits a community or STEM school to employ as a teacher an eligible veteran who does not hold an educator license.
- Permits an eligible veteran to teach a core subject area.

RAPBACK and criminal records checks

Nonlicensed school employees

- Requires the State Board of Education to enroll all nonlicensed school employees and contractors, including bus drivers, in the Retained Applicant Fingerprint Database (RAPBACK).

- Requires any nonlicensed employee or contractor whose most recent criminal records check is older than one year or does not include certain information to complete a new records check by a State-Board prescribed date, and every six years thereafter.

School volunteers

- Specifically excludes school volunteers from the requirements related to criminal background checks and RAPBACK.

X. Student performance data

Online high school graduation rates

- Requires the Department to include a modified graduation rate measure on the state report card to account for online high schools.
- Generally requires the Department to report the modified graduation rate as data without an assigned performance rating beginning with the 2023-2024 school year.

Individual student performance reports on value-added data

- Requires the Department to do all of the following:
 - Make individual student performance data reports available to districts and schools that have an overall value-added progress dimension score calculated on the state report card.
 - Make available the data used to calculate the district's or school's overall growth rating.
- Make reports available in an electronic spreadsheet form, as soon as practicable each school year.

Report of state assessment scores

- Requires each public and chartered nonpublic school to provide a student's parent with the student's state assessment scores by June 30 of each year by mail, email, or secure online portal on the school's website.

XI. Career-technical education

Career-technical cooperative education districts

- Permits two or more city, local, or exempted village school districts to enter into an agreement to create a career-technical cooperative education district that consists of the combined territories of those districts.
- Requires a cooperative district to fund and provide students enrolled in grades 7-12 in member districts with a career-technical education adequate to prepare them for an occupation.
- Specifies that a cooperative district is not a joint vocational school district and, instead, requires the cooperative district to:

- Be considered a career-technical education compact for the purposes of state education law; and
- Serve as the lead district of a career-technical planning district composed of the cooperative district's member districts.
- Establishes a board of directors, composed of the superintendent of the cooperative district's member districts, to govern the cooperative district.
- Permits a board of directors to levy a voter-approved property tax of up to three mills and accept gifts, donations, bequests, and other grants of money.
- Requires the Department to compute and make payments to a cooperative district in the same manner as a lead district of a career-technical planning district.
- Permits the agreement establishing the cooperative agreement to specify how member districts contribute funding to the cooperative district.

Courses at Ohio Technical Centers

- Permits school districts, upon approval from the Department, to contract with Ohio Technical Centers (OTCs) to serve students in grades 7-12 enrolled in a career-technical education program at the district but cannot enroll in a course for specified reasons.
- Requires a district to award students high school credit for completion of a course at an OTC.
- Permits a district and an OTC that enter into an agreement to establish alternate amounts that the district must pay to the OTC.
- Permits the district to use career-technical education funds to pay for any costs incurred by students enrolling in courses at an OTC.
- Requires the Department to consider costs of a student enrolling in an OTC as an approved career-technical education expense.
- Permits an individual who holds an adult education permit issued by the State Board and is employed by an OTC to provide instruction to a student in grades 7-12 enrolled in a course at an OTC.

XII. Other

Literacy improvement grants

Professional development stipends

- Requires the Department to reimburse school districts, community schools, and STEM schools for stipends for teachers to complete professional development in the science of reading and evidence-based strategies for effective literacy instruction provided by the Department.
- Requires all teachers and administrators to complete the professional development not later than June 30, 2025, unless they have previously completed a similar course.

- Requires each district and school to pay teachers who complete the professional development stipends of \$1,200 or \$400 dependent upon subject and grade band.

Subsidies for core curriculum and instructional materials

- Requires the Department to subsidize the cost for school districts, community schools, and STEM schools to purchase high-quality core curriculum and instructional materials in English language arts and evidence-based reading intervention programs from the lists established by the Department under the bill.
- Requires the Department to conduct a survey to collect information on the core curriculum and instructional materials in English language arts in grades pre-K through 5 and the reading intervention programs in grades pre-K through 12 that are being used by public schools.

Literacy supports coaches

- Requires the Department to use funds for coaches to provide literacy supports to public schools with the lowest rates of proficiency in literacy based on their performance on the English language arts assessments.

Early literacy activities

- Requires the Department to use funds to support early literacy activities to align state, local, and federal efforts in order to bolster all students' reading success.

English learners

- Eliminates an exemption excusing English learners who have been enrolled in U.S. schools for less than a year from any reading, writing, or English language arts state assessments.
- Eliminates an exemption that excluded, except when required by federal law, English learners who have been enrolled in U.S. schools for less than a year from state report card performance measures.
- Requires English learners to be included in performance measures on the state report card in accordance with the state's federally approved plan to comply with federal law.
- Requires the State Board to adopt rules related to educating English learners that conform to the state's federally approved plan.

School emergency management plans

- Specifies that all records related to a school's emergency management plan and emergency management tests are security records and are not subject to Ohio's public records laws.
- Extends the annual deadline for a school administrator to submit the school district's or school's emergency management plan to the Director of Public Safety from July 1 to September 1.

Literacy instructional materials

- Requires the Department to compile a list of high-quality core curriculum and instructional materials in English language arts and a list of evidence-based reading intervention programs that are aligned with the science of reading and strategies for effective literacy instruction.
- Defines the science of reading as an interdisciplinary body of scientific evidence that meets certain conditions.
- Not later than the 2024-2025 school year, requires each school district, community, and STEM school to use the core curriculum, instructional materials, and intervention programs from the lists compiled by the Department.
- Prohibits a district or school from using the “three-cueing approach” to teach students to read unless the district or school receives a waiver from the Department, but permits waivers for individual students.
- Defines “three-cueing approach” as any model of teaching students to read based on meaning, structure and syntax, and visual cues.
- Requires the Department to identify vendors that provide professional development to educators, including pre-service teachers and faculty employed by educator preparation programs, on the use of high-quality core curriculum, instructional materials, and reading intervention programs.

Phonics standards

- Expands from three to five the grades in which the State Board of Education must prescribe standards for the teaching of phonics and in-service training programs for teachers.

EMIS reporting of literacy instructional materials

- Requires districts and schools to report to the Education Management Information System (EMIS) the English language arts curriculum and instructional materials it is using in each of grades pre-K-5 and the reading intervention programs being used in each of grades pre-K-12.

JCARR review of changes regarding community schools

- Subjects to Joint Committee on Agency Rule Review-approval any proposed changes to EMIS or the Department’s business rules and policies that may affect community schools.

Quality Community School Support Program

- Continues the Quality Community School Support Program.
- Expands the program to include qualifying independent STEM schools.

Innovative Pilot Program waivers

- Prohibits waivers of the requirements associated with blended learning or operating an online learning school as part of an innovative education pilot program.

High-performing vulnerable student study

- Requires the Department to conduct a study of high-performing schools with sizable vulnerable student populations.

Academic distress commissions

- Prohibits the Superintendent of Public Instruction from establishing any new academic distress commissions (ADCs) for the 2023-2024 and 2024-2025 school years.
- Dissolves the Lorain City Schools academic distress commission (ADC) and academic improvement plan, and, upon dissolution of the ADC, requires the chief executive officer to relinquish management and control of the school district to the district board of education and the district superintendent.

State share of local property taxes in five-year forecasts

- Requires the Department and Auditor of State to label the property tax allocation projections in a school district's five-year forecast as the "state share of local property taxes."

Private before and after school care programs – licensure

- Authorizes a private before and after school care program that meets certain conditions to seek licensure as a school child program.

State Report Card Review Committee

- Eliminates the State Report Card Review Committee.

I. Transfer of state K-12 governance

Department of Education and Workforce

(R.C. 3301.07, 3301.111, 3301.13, 3301.137, and 3301.0138; Section 130.100 and 130.101; conforming changes in numerous R.C. sections)

The bill renames the Department of Education as the Department of Education and Workforce (DEW). It also creates the position of Director of Education and Workforce, who is appointed by the Governor with the advice and consent of the Senate, to oversee DEW and primary and secondary education in Ohio. To that end, the bill transfers to DEW, or where applicable the Director, most of the powers and duties assigned to the State Board of Education and the Superintendent of Public Instruction.

Examples of the powers and duties transferred include:

1. Adopting minimum education standards for elementary and secondary schools, and minimum operating standards for school districts;
2. Issuing and revoking state charters to school districts, school buildings operated by districts, and nonpublic schools that elect to seek a charter;
3. Developing state academic standards and model curricula;
4. Establishing the statewide program for assessing student achievement through standardized assessments;
5. Establishing the state report card system for school districts, community schools, STEM schools, and college-preparatory boarding schools;
6. Administering state scholarship programs;
7. Performing prescribed functions regarding the creation and operation joint vocational school districts;
8. Providing oversight to, and performing functions regarding, community schools, community school sponsors, and STEM schools; and
9. Calculating and distributing all foundation funding payments.

The State Board and the state Superintendent retain duties and broad powers regarding educator licensure, licensee disciplinary actions, school district territory transfers, and certain other areas. The bill transfers from the Department to the State Board any employees and assets necessary for the State Board to perform its retained powers and duties.

For more information about the role of the State Board and the state Superintendent under the bill, see “**State Board of Education**,” below.

Organization of the Department

Under the bill, DEW consists of the Division of Primary and Secondary Education and the Division of Career-Technical Education. Each division is headed by a Deputy Director appointed by the Director with the advice and consent of the Senate. However, the bill does not prescribe specific functions for either division.

Rather, except for those duties and powers retained by the State Board and state Superintendent, the bill vests responsibility for primary, secondary, special, and career-technical education in the Director. The Director may delegate duties and powers to either division as the Director determines appropriate. The Director also is responsible for employing personnel to carry out the Department’s powers and duties. The Director must exercise general supervision of the Department’s employees and may appoint them, fix their salaries, and terminate their employment.

The bill expressly states that DEW is subject to all provisions of law pertaining to departments, offices, or institutions established for the exercise of any function of state government. It also subjects DEW to the Administrative Procedure Act.

Appointment of Director and Deputy Directors

Limits on interim officeholders

The bill expressly prohibits any individual from holding the office of, or serving on an interim basis for more than 45 days as, Director or Deputy Director without being appointed with the advice and consent of the Senate.

Deputy Director qualifications

The bill requires the Director to appoint an individual with appropriate educational, professional, or managerial experience, as determined by the Director, to be a Deputy Director.

Confirmation hearing

The bill requires the Senate Education Committee to hold at least one in-person hearing on the nomination of an individual to serve as Director or as a Deputy Director before the full Senate holds a confirmation vote on that nomination.

Director's rulemaking authority

Under the bill, the Director is responsible for adopting DEW's administrative rules. However, it expressly limits the Director's rulemaking authority to the Director's or DEW's statutorily prescribed powers and duties. It also permits the General Assembly, in accordance with continuing law, to adopt a concurrent resolution to rescind or invalidate any administrative rule adopted by the Director. The Director is not authorized to adopt rules regarding the State Board's or state Superintendent's retained powers.

(The bill also addresses providing information about rulemaking in "**Public presentation requirement**" below.)

Rules regarding minimum education standards

Under current law, when the State Board adopts rules to prescribe minimum education standards, the State Board may include in those standards any factor it determines necessary. The bill eliminates that authority and, instead, specifies that the Director, when adopting minimum education standards, is limited to the powers and duties that are expressly prescribed and authorized in statute.

Stakeholder outreach and rulemaking

The bill requires DEW to establish a stakeholder outreach process for use when it engages in rulemaking. DEW must establish a method under which stakeholders may elect to participate in the process. The process must include both a notice and an opportunity for stakeholder feedback prior to DEW initiating rulemaking and submitting a proposed rule to the Joint Committee on Agency Rule Review (JCARR). The process also may include stakeholders meetings, questionnaires for stakeholders, or stakeholder advisory groups.

The bill expressly states that a notice under the process is a not a public notice, but rather it is a courtesy for stakeholders. DEW also is not required to send draft rules out to, nor negotiate draft rule language with, stakeholders.

Prior to initiating rulemaking

Prior to conducting a five-year review, adopting a new rule, or amending or rescinding an existing rule, DEW must notify stakeholders of its intent to initiate rulemaking and provide an explanation of the rationale for doing so. The notice must include:

1. For a five-year review in which DEW decides not to make any changes to an existing rule, a statement that the rule is not being changed;
2. For a new rule or an amendment or rescission of an existing rule, information explaining the rationale for the new rule or rule change, including any state or federal law changes that make it necessary; and
3. A link to a webpage on DEW's website that provides an opportunity to:
 - a. Review the existing rule, if one exists;
 - b. Submit public comments for a period of time established by DEW; and
 - c. Provide, as part of the public comment system, a chance to submit information that might aid DEW in preparing a business impact analysis, if one is required.

DEW must consider each submitted comment provided during the public comment period. However, it is not required to respond to them.

Prior to submitting a proposed rule to JCARR

Prior to submitting a proposed rule to JCARR, DEW must post the draft rule and a completed business impact analysis, if one is required, on DEW's website and notify stakeholders that they have been posted. The notice must include a link to a webpage on DEW's website that provides the opportunity to review the draft rule, and the business impact analysis if required, and submit public comments for a period established by DEW. DEW must consider each comment it receives and may revise the draft based on them. If the Department determines further outreach is necessary, it must hold stakeholder meetings, send questions to stakeholders, or create stakeholder advisory groups.

Public presentation requirement

The bill requires the Director, or the Director's designee, to convene a public meeting at least every other month. DEW employees must conduct a presentation at each meeting that addresses any new information DEW has about:

1. Any of its significant new or existing initiatives, policies, or guidelines;
2. Any change to state or federal law that affects DEW or education stakeholders; and
3. Any rule the Director intends to adopt, amend, or rescind.

At the conclusion of a presentation, the Director, or designee, must provide an opportunity for public discussion on the information in the presentation or other appropriate topics, as determined by the Director or designee. DEW must make available via the internet an audio recording of each meeting within five days after its conclusion.

Under the bill, any nonemergency rule adopted after the bill's effective date is void unless the rule was included in a presentation conducted in one of these presentations.

In addition, the bill requires the Director to schedule meetings for FY 2024 in a timely manner.

Limits on DEW policies and guidance

The bill establishes that any policy adopted or guidance issued by the Director or DEW that is not expressly authorized or required by state or federal statute is advisory in nature. Furthermore, it also establishes that they are nonbinding on schools and educators and do not have the force and effect of law.

Exchange of information with the State Board

The bill authorizes DEW and the State Board to exchange necessary information and documentation upon request to enable both agencies to effectively perform their functions under state or federal law, including sharing proprietary and confidential information. The agency receiving proprietary or confidential information cannot disclose that information and must adopt safeguards to prevent disclosure.

The bill expressly states that the purpose of the authorization to exchange information is to best serve the interests of primary and secondary information and workforce development in Ohio and to maximize efficiencies and operations.

State Board of Education

(R.C. 3301.111)

Duties and powers

The State Board and the state Superintendent retain their duties and broad powers under continuing law regarding:

1. Educator licensure and licensee disciplinary actions;
2. School district territory transfer determinations;
3. The teacher and school counselor evaluation systems;
4. The annual teacher recognition program; and
5. The Educator Standards Board (ESB).

However, the bill designates the Director of Education and Workforce, or the Director's designee, as a nonvoting, ex officio member of the ESB and its subcommittees.

The bill expressly reserves responsibility for the adoption of requirements for educator licensure and licensee disciplinary actions with the State Board, and largely excludes the Director and DEW from that process. The bill requires the State Board to adopt those requirements as rules in accordance with the Administrative Procedure Act.

Finally, the bill requires the State Board to make recommendations to the Director regarding priorities for primary and secondary education. It also permits the state Superintendent to serve as an adviser to the Director.

Administration

Under current law, the Department of Education is the organizational unit through which the state Superintendent administers the policies and statutorily prescribed powers and duties of the State Board and the state Superintendent. With the transfer of control over the Department from the State Board to the Director, the bill establishes a separate administrative structure for the State Board and state Superintendent's powers and duties. That structure is similar to current law.

Specifically, the bill expressly states that, in accordance with the Ohio Constitution, the state Superintendent remains an appointee of the State Board. It further states that, in accordance with continuing law, the state Superintendent remains the State Board's secretary and executive officer.

The State Board remains subject to all provisions of law regarding state departments, offices, or institutions. The State Board must employ personnel to carry out its duties and powers. Subject to the State Board's policies, rules, and regulations, the state Superintendent exercises general supervision of those employees and may appoint them, fix their salary, and terminate their employment.

Finally, the State Board may request DEW's assistance in exercising the State Board's powers and duties. To the extent the Director determines that assistance necessary and practicable, DEW must provide the requested assistance.

State Board of Education Licensure Fund

(R.C. 3319.51)

The bill expands the uses of the State Board of Education Licensure Fund to pay the State Board's operating expenses, including any cost incurred to perform a duty prescribed by law, in addition to the cost of administering requirements related to the issuance and renewal of educator credentials as under current law. Prior law limited the use of that fund solely for the cost of administering requirements related to the issuance and renewal of licenses, certificates, and permits.

Implementation deadline

The bill requires the Director, Department, State Board, and state Superintendent to complete any action necessary to implement the transfer of powers within 90 days of the bill's effective date.

Background – State Board of Education

The Ohio Constitution provides that there must be a State Board of Education and a Superintendent of Public Instruction appointed by the State Board. The selection and terms of members of the State Board, as well as the powers and duties of the State Board and the Superintendent, must be prescribed by law.⁵⁶

⁵⁶ Ohio Const., art. VI, sec. 4.

Under law unaffected by the bill, the voting membership of the State Board is 19 members, 11 of whom are elected from specified electoral districts (each consisting of three state Senate districts) and 8 of whom are appointed by the Governor. The chairpersons of the Senate and House Education committees serve as nonvoting ex officio members.⁵⁷

Workforce Development

(R.C. 3313.6020, 6301.04, 6301.11, 6301.111, and 6301.112)

Career opportunity informational materials

The bill requires DEW to develop and make available informational materials for seventh and eighth graders about career opportunities available to them, including in-demand jobs. The materials also must address how a career-technical education may help those students satisfy state high school graduation requirements.

In-demand jobs list

The bill requires DEW to participate in the process established under continuing law to identify and publicize in-demand jobs. Specifically, the bill:

1. Adds DEW to the entities required to develop a methodology to identify in-demand jobs and use that methodology to create an in-demand jobs list;
2. Requires DEW to post the in-demand jobs list on its website;
3. Adds DEW to the entities required to conduct a survey of employers about in-demand jobs and use the survey's results to update the in-demand jobs list; and
4. Adds DEW to the entities required to establish the OhioMeansJobs website.

Continuing law requires the Governor's Executive Workforce Board, in connection with the Department of Job and Family Services and higher education institutions, to develop a methodology for identifying in-demand jobs. The Department of Job and Family Services and higher education institutions, in consultation with the Board, must use that methodology to create a list of in-demand jobs, which the Department must post that list on its website.

In addition, the Governor's Office of Workforce Transformation, in conjunction with the Department of Job and Family Services, must conduct a survey of employers regarding in-demand jobs every two years and update the in-demand jobs list with the survey's results. The Office of Workforce Transformation, in collaboration with the Department of Job and Family Services and the Department of Higher Education, also must create and publish an OhioMeansJobs website that includes the in-demand jobs list.

Governor's Executive Workforce Board

The bill requires the Governor to appoint the Deputy Director of Primary and Secondary Education and the Deputy Director of Career-Technical Education to the Governor's Executive Workforce Board.

⁵⁷ R.C. 3301.01, not in the bill.

The federal Workforce Innovation and Opportunity Act (WIOA) requires the Governor to establish a state workforce development board to carry out prescribed functions. WIOA prescribes specific requirements for the board's composition, but it permits the Governor to appoint state agency officials responsible for education programs to it.⁵⁸

Nonchartered nonpublic schools

(R.C. 3301.0731 and 3301.132)

As discussed above, the bill transfers the responsibility for adopting minimum education standards from the State Board of Education to the Director of Education and Workforce. However, the bill also codifies the State Board's administrative rule establishing standards for nonchartered nonpublic schools and expressly requires the Director to comply with it. Furthermore, the bill requires the Director, within 90 days of the bill's effective date, to amend or rescind any rules necessary to conform to those changes. Thereafter, it prohibits the Director and DEW from adopting any additional rules for nonchartered nonpublic schools.

Nonchartered nonpublic schools, which are also referred to as nonchartered nontax-supported schools, are private schools that choose not to seek a state charter because of truly held religious belief. They do not receive any state funds. Students enrolled in them though may participate in extracurricular activities offered by their resident school district and the College Credit Plus Program.

Minimum education standards compliance report

The bill requires each nonchartered nonpublic school to annually certify in a report to the parents of its students that the school meets the minimum education standards for nonchartered nonpublic schools. The school must file a copy of that report with DEW by September 30 of each year.

Hours of instruction

A nonchartered nonpublic school must be open for instruction the same number of hours as schools operated by a school district, with students in attendance for:

1. 455 hours for students in half-day kindergarten;
2. 910 hours for students in full-day kindergarten through grade 6;
3. 1,001 hours for students in grades 7-12.

Attendance report

The bill requires the parent of a student to report to the student's resident school district the student's enrollment or withdrawal from a nonchartered nonpublic school. The bill permits but does not require the nonchartered nonpublic school, as a matter of convenience, to report to the treasurer on behalf of the parents.

Each attendance report must include the name, age, and place of residence of each student below 18 years of age. The report must be made within the first two weeks of the

⁵⁸ See 29 U.S.C. 3111(b)(1)(C)(iii)(II)(dd).

beginning of each school year. When a student withdraws or enrolls during the school year, that notice must be given within the first week of the next school month.

Teachers and administrators – educational requirements

The bill requires teachers and administrators at nonchartered nonpublic schools to hold at least a bachelor's degree, or the equivalent, from a recognized college or university.

Continuing law, unchanged by the bill, requires teachers, supervisors, and administrators in nonchartered nonpublic schools to receive a certificate from the State Board. The State Board must issue a certificate to any individual who has received:

1. A bachelor's degree from an accredited college or university in the United States;
2. At the State Board's discretion, a degree from a foreign college or university that is equivalent to a bachelor's degree from an accredited U.S. college or university;
3. A diploma from a bible college or bible institute.

Curriculum requirements

Each nonchartered nonpublic school must include in its curriculum the study of:

1. Language Arts;
2. Geography, U.S. history, and national, state, and local government;
3. Mathematics;
4. Science;
5. Health;
6. Physical Education;
7. The fine arts, including music;
8. First aid, safety, and fire prevention;
9. Other subjects as determined by the school.

Grade promotion

Each chartered nonpublic school must also follow regular procedures for promotion from grade to grade for students who have met the school's educational requirements.

Health and safety

The bill specifies that each nonchartered nonpublic school must comply with all applicable health, fire, and safety laws.

Transportation, auxiliary services, and administrative cost reimbursement

Finally, the bill clarifies that students attending nonchartered nonpublic schools are not entitled to transportation or auxiliary services, and that nonchartered nonpublic schools are not entitled to reimbursement for administrative costs.

Home education

(R.C. 3301.132 and 3321.042; conforming changes in numerous R.C. sections)

The bill exempts from the compulsory school attendance law any child who is receiving a home education in the subject areas of English language arts, math, science, history, government, and social studies. For the purposes of the provision, a “home education” is the education of a child between 6 and 18 years old that is directed by the child’s parent, so long as that child is not enrolled full time in a public or chartered nonpublic school.

A child’s parent or guardian must transmit a notice to the superintendent of the child’s school district of residence within five days of commencing home education, moving into a new school district, or withdrawing from a public or nonpublic school and by August 30 of each year thereafter. The notice must provide the parent’s name and address, the child’s name, and an assurance that the child will receive an education in the required subject areas. The child’s exemption is effective immediately upon receipt of the notice.

The superintendent must provide the parent or guardian with a written acknowledgement of the superintendent’s receipt of the notice within 14 calendar days after receiving the notice. A child with an exemption is not required to receive an excuse for the purposes of home instruction under continuing law.

A child who is enrolled in a public school after any period of home education must be placed in the appropriate grade level, without discrimination or prejudice, based on the policies of the child’s district of residence.

The bill expressly states that the law regarding exemptions for the purposes of home education is not subject to any rules adopted by the Department of Education and Workforce or the Director of Education and Workforce. It also requires the Director to rescind any rules regarding the issuance of excuses from compulsory attendance for the purposes of home education.

However, if there is evidence that a child who has received an exemption is not receiving an education in the required subject areas, that child may be subject to state truancy law.

II. School finance

Funding for FY 2024 and 2025

(R.C. 3314.08, 3317.011, 3317.012, 3317.014, 3317.016, 3317.017, 3317.018, 3317.019, 3317.0110, 3317.02, 3317.021, 3317.022, 3317.024, 3317.026, 3317.0212, 3317.0213, 3317.0215, 3317.0217, 3317.0218, 3317.051, 3317.11, 3317.16, 3317.162, 3317.20, 3317.201, 3317.25, and 3326.44; Sections 265.280 and 265.290)

The bill extends the operation of the current school financing system to FY 2024 and FY 2025, but with the following changes:

1. Updates the data used to calculate the base cost from FY 2018 data to FY 2022 data;
2. Requires the use of FY 2024 statewide average base cost per pupil in FY 2024 and FY 2025;

3. Requires the use of FY 2024 statewide average career-technical base cost per pupil in FY 2024 and FY 2025;

4. Increases the general phase-in and disadvantaged pupil impact aid phase-in percentages from 33.33% in FY 2023 to 50% in FY 2024 and 66.67% in FY 2025;

5. Increases the minimum state share percentage from 5% to 10% for FY 2024 and FY 2025;

6. Increases the minimum transportation state share percentage from 33.33% in FY 2023 to 37.5% in FY 2024 and 41.67% in FY 2025;

7. Increases the career awareness and exploration per pupil amount from \$5 in FY 2023 to \$7.50 in FY 2024 and \$10 in FY 2025;

8. Increases the gifted professional development per pupil amount from \$14 in FY 2023 to \$21 in FY 2024 and \$28 in FY 2025;

9. Eliminates the payment of supplemental targeted assistance to school districts;

10. Requires a district's local per pupil capacity amount to be based 60% on valuation per pupil and 40% on federal adjusted gross income (FAGI) per pupil, rather than 60% on valuation per pupil, 20% on FAGI per pupil, and 20% on adjusted FAGI per pupil as under current law;

11. Requires open enrollment students to be counted in the ADM in their educating districts, rather than their resident districts as under current law, for the purposes of determining a district's weight wealth per pupil in the calculation of targeted assistance;

12. Clarifies that a school district's building operations cost in the aggregate base cost calculation does not use a six-year average of the average building square feet per pupil and average cost per square foot for all districts in the state but instead uses only FY 2018 data;

13. Requires the payment of English learner funds to internet- or computer-based community schools (e-schools); and

14. Renames the "threshold catastrophic cost" for special education students as the "threshold cost" for special education students.

In addition, the bill extends to FY 2024 and FY 2025 the payment of school transportation temporary transitional aid to school districts based on a FY 2020 funding base.

The bill also establishes the payment of transitional aid in FY 2024 and FY 2025 to districts, community schools, and STEM schools based on an FY 2023 funding base, calculated as follows:

1. For a district, the aid is equal to the difference between the district's FY 2023 funding base and its payments for the current fiscal year;

2. For a community or STEM school, the aid is equal to the product of the number of students in the school's enrolled ADM for the current fiscal year multiplied by the difference between its FY 2023 per pupil payment for FY 2023 and its current fiscal year per pupil payment.

A district's FY 2023 funding base is the sum of the districts payments for FY 2023 under the school financing system, temporary transitional aid, and the formula transition supplement.

A community or STEM school's FY 2023 payment is the quotient calculated by dividing the sum of the school's payments for FY 2023 under the school financing system and the formula transition supplement by the school's FY 2023 enrolled ADM.

For background information on the current school financing system, see the LSC [Final Analysis \(PDF\) for H.B. 110 of the 134th General Assembly](#), which enacted the system, and the LSC [Final Analysis \(PDF\) for H.B. 583 of the 134th General Assembly](#), which made a number of corrective and technical changes to it. Both final analyses are available on the General Assembly's website: legislature.ohio.gov.

Student wellness and success funds

(R.C. 3317.26)

Spending requirements

The bill codifies provisions of the student wellness and success funds (SWSF) that require the Department to notify, in each fiscal year, each school district, community school, and STEM school, of the portion of the district or school's state share of the base cost that is attributable to the staffing cost for the student wellness and success component of the base cost.

It also codifies the provision that requires districts and schools to spend SWSF it receives on the same initiatives for which schools must spend disadvantaged pupil impact aid (DPIA) funds. (See "**Disadvantaged pupil impact aid**," below). Of those initiatives, the bill further requires districts and schools to spend at least 50% of SWSF for either physical or mental health based initiatives, or a combination of both. Current law does not prescribe requirements on which districts and schools must spend SWSF.

Additionally, districts and schools must develop a plan to use SWSF in coordination with both: (1) a community mental health prevention or treatment provider or their local board of alcohol, drug addiction and mental health services, and (2) a community partner identified under continuing law. Within 30 days of the completion or amendment of this plan, the bill requires districts and schools to share the plan at a meeting of a public district board of education or governing authority and post it to the district or school's website.

At the end of each fiscal year, each district and school must submit a report to the Department, in a manner determined by the Department, describing the initiative or initiatives on which the district or school's SWSF were spent during that fiscal year.

Unexpended funds

The bill requires that any SWSF allocated in any of FYs 2020 through 2023 be expended before June 30, 2025, and requires any unexpended funds to be repaid to the Department.

Beginning in FY 2024, the bill requires all SWSF to be spent by the end of the following fiscal year and, again, requires any unexpended funds to be repaid to the Department.

The bill permits the Department to develop a corrective action plan if it determines that a district or school is not spending the SWSF funds correctly and further permits the Department to withhold SWSF if a district or school is found to be out of compliance with the action plan.

Disadvantaged pupil impact aid

(R.C. 3317.25)

Under current law, disadvantaged pupil impact aid (DPIA) is calculated based on the number and concentration of economically disadvantaged students enrolled at each school and district. H.B. 110 of the 134th General Assembly required that a district must develop a plan for utilizing its DPIA in coordination with one of the following: a board of alcohol, drug, and mental health services, an educational service center (ESC), a county board of developmental disabilities, a community-based mental health treatment provider, a board of health of a city or general health district, a county department of job and family services, a nonprofit organization with experience serving children, or a public hospital agency.

Current law prescribes initiatives upon which DPIA must be spent. The bill makes changes to some of those initiatives. The table below illustrates the current initiatives and the changes made by the bill (these changes apply to both DPIA funds and SWSF):

Initiatives	
Current law	The bill
Extended school day and school year	No change
Reading improvement and intervention	Requires reading improvement and intervention to be aligned with the science of reading and evidence-based strategies for effective literacy instruction
Instructional technology or blended learning	No change
Professional development in reading instruction for teachers of students in kindergarten through third grade	Requires professional development be aligned with the science of reading and evidence-based strategies for effective literacy instruction
Dropout prevention	No change
School safety and security measures	No change
Community learning centers that address barriers to learning	No change
Academic interventions for students in any of grades six through twelve	No change
Employment of an individual who has successfully completed the bright new leaders for Ohio schools program as a principal or an assistant principal	No change

Initiatives	
Current law	The bill
Mental health services, including telehealth services	Adds community-based behavioral health services, and recovery supports
Culturally appropriate, evidence-based or evidence-informed prevention education, including youth-led programming and social and emotional learning curricula to promote mental health and prevent substance use and suicide	Changes prevention “education” to prevention “services” and removes the requirement that prevention services include social and emotional learning, but adds trauma-informed services
Services for homeless youth	No change
Services for child welfare involved youth	No change
Community liaisons or programs that connect student to community resources, including city connects, communities in schools, and other similar programs	Adds behavioral wellness coordinators as a possible liaison
Physical health care services, including telehealth services	Requires physical health care service initiatives to include community-based health services
Family engagement and support services	No change
Student services provided prior to or after the regularly scheduled school day or any time school is not in session, including mentoring programs	No change

Background

H.B. 110 of the 134th General Assembly repealed the requirement for the Department to pay SWSF and enhancement funds to school districts, community schools, and STEM schools and the spending requirements for those funds, but applied similar spending requirements to disadvantaged pupil impact aid. However, that act included district’s staffing cost for SWSF in the calculation of a district or school’s base cost.

Gifted funding requirements

(R.C. 3317.022, 3324.05, and 3324.09)

The bill makes permanent, and in some cases revises, a series of requirements regarding gifted student funding that, under current law, apply only to FYs 2022 and 2023. Those requirements include how school districts spend gifted funding, how the Department reduces

funding for noncompliance, and what information is included in reports regarding services for gifted students.

Spending requirements

The bill makes permanent the requirement that a school district only spend its gifted funding on:

1. The identification of gifted students;
2. Gifted coordinator services;
3. Gifted intervention specialist services;
4. Other service providers approved by the Department; and
5. Gifted professional development.

Reduction of funds for noncompliance

The bill also makes permanent a requirement that the Department, if it determines a district did not spend its gifted funding on authorized services and providers, reduce the district's state funding for the fiscal year by the misspent amount. In addition, the bill requires the Department to reduce a district's state funding within 90 days after the end of the fiscal year.

Reporting and auditing requirements

The bill makes permanent the requirement that each school district include the number of students identified in each gifted category in its annual report to the Department regarding the screening, assessment, and identification of gifted students.

In addition, the bill makes permanent the requirement that the Department annually publish data submitted by districts regarding services offered to gifted students and the district's number of gifted intervention specialists and coordinators. Furthermore, the bill requires the Department to report the services offered in grade bands of K-2, 3-6, 7-8, and 9-12, rather than K-3, 4-8, and 9-12 as under current law for FY 2022 and 2023.

The bill also makes permanent the requirement that the Department annually publish on its website a district's gifted funding for the prior fiscal year and each district's expenditure of those funds. It eliminates a separate report that required the Department, for FY 2024 and each year thereafter, that the Department publish on its website only the district's expenditure of funds for the previous fiscal year.

Finally, the bill makes permanent the requirement that, when the Department audits a school district's identification numbers as required under continuing law, it also audit the district's service numbers.

Jon Peterson Special Needs Scholarship amounts

(R.C. 3317.022)

The bill increases the base and category amounts for the Jon Peterson Special Needs Scholarship (JPSN) Program for FY 2024 in proportion to the bill's estimated proposed increase

of 12.1% to the statewide average base cost per pupil and also establishes amounts for FY 2025. The base and category amount increases are as follows:

1. Increases the base amount from \$6,414 to \$7,190 for FY 2024;
2. Increases the Category 1 amount from \$1,562 to \$1,751 for FY 2024, and \$2,395 for FY 2025;
3. Increases the Category 2 amount from \$3,963 to \$4,442 for FY 2024, and \$5,280 for FY 2025;
4. Increases the Category 3 amount from \$9,522 to \$10,673 for FY 2024, and \$11,960 for FY 2025;
5. Increases the Category 4 amount from \$12,707 to \$14,243 for FY 2024, and \$15,787 for FY 2025;
6. Increases the Category 5 amount from \$17,209 to \$19,290 for FY 2024, and \$21,197 for FY 2025;
7. Increases the Category 6 amount from \$25,370 to \$28,438 for FY 2024, and \$30,469 for FY 2025.

The bill also increases the maximum scholarship award for the JPSN Program from \$27,000 to \$30,000 for FY 2024, and \$32,445 for FY 2025.

The bill maintains current law requirements with regard to how scholarships under the program are determined, limiting a scholarship to the least of (a) the fees charged by the student's alternative public provider or registered private provider, (b) the sum of the base amount and the student's category amount, and (c) the maximum amount.

Background

The Jon Peterson Special Needs Scholarship Program provides scholarships to eligible students in grades K through 12 who have an Individualized Education Program (IEP) established by their resident school districts. The amount of each scholarship "category" is based on the primary disability condition identified on the student's Evaluation Team Report (ETR).

Payment for districts with decreases in utility TPP value

(Section 265.310)

The bill requires the Department to make a payment, for FY 2024 and FY 2025, to each city, local, exempted village, or joint vocational school district that has at least one power plant within its territory and that experiences a 10% or greater decrease in the taxable value of utility tangible personal property (TPP) and an overall negative change in TPP subject to taxation. To qualify for the FY 2024 payment, a district must have experienced this decrease between tax years 2017 and 2023 or tax years 2022 and 2023. To qualify for the FY 2025 payment, a district must have experienced this decrease between tax years 2017 and 2024 or tax years 2023 and 2024.

Eligibility determination

The Tax Commissioner must determine which districts are eligible for this payment no later than May 15, 2024 (for the FY 2024 payment) or May 15, 2025 (for the FY 2025 payment). For each eligible district, the Commissioner must certify the following information to the Department:

1. If the district is eligible for the FY 2024 payment, its total taxable value for tax year 2023 and the change in taxes charged and payable on the district's total taxable value for tax years 2017 and 2023; and

2. If the district is eligible for the FY 2025 payment, its total taxable value for tax year 2024 and the change in taxes charged and payable on the district's total taxable value for tax years 2017 and 2024; and

3. If the district is eligible for either payment, the taxable value of the utility TPP decrease and the change in taxes charged and payable on the change in taxable value.

Payment amount

The bill requires the Department, for purposes of computing the payment, to replace the three-year average valuations used in computing a district's state education aid for FY 2019 with the district's total taxable value for tax year 2023 (for the FY 2024 payment) or tax year 2024 (for the FY 2025 payment). It then must recompute the state education aid for FY 2019 without applying any funding limitations enacted by the General Assembly.

The amount of a district's payment is the *greater* of 1 or 2 as described below:

1. The lesser of either:

a. The positive difference between the district's state education aid for FY 2019 prior to the recomputation and the district's recomputed state education aid for FY 2019; or

b. The absolute value of the change in taxes charged and payable on the district's total taxable value for tax years 2017 and 2023 (for the FY 2024 payment) or for tax years 2017 and 2024 (for the FY 2025 payment).

2. 0.50 times the absolute value of the change in taxes charged and payable on the district's total taxable value for tax years 2017 and 2023 (for the FY 2024 payment) or for tax years 2017 and 2024 (for the FY 2025 payment).

Payment deadline

The Department must make FY 2024 payments between June 1 and June 30, 2024, and must make FY 2025 payments between June 1 and June 30, 2025.

Codified law payment

The bill prohibits the Department from calculating or making a similar payment prescribed under codified law for FY 2024 and FY 2025.⁵⁹

Newly chartered nonpublic school auxiliary services funds

(R.C. 3317.024)

The bill permits a newly chartered nonpublic school, within ten days of receiving a notification of the approval and issuance of its charter, to elect to receive auxiliary services funds directly. Under the bill, a chartered nonpublic school that does not make an election will receive auxiliary services funds paid to the school district in which the chartered nonpublic school is located. Law unchanged by the bill permits chartered nonpublic schools to choose whether to receive auxiliary services funds directly from the Department. Otherwise, by default a school receives those funds through the school district in which it is located.

Under law unchanged by the bill, a chartered nonpublic school may later elect to directly receive funds by notifying the Department and school district in which the school is located by April 1 of each odd-numbered year and submitting an affidavit certifying that the school will use the funds for auxiliary services in the manner required by law. Similarly, a chartered nonpublic school may rescind its election to receive funds directly by notifying the Department and school district in which the school is located by April 1 in an odd-numbered year. Election changes take effect on July 1 following the submitted change.

Auxiliary services funds are used to purchase goods and services for students who attend chartered nonpublic schools, such as textbooks, digital texts, workbooks, instructional equipment, library materials, or tutoring and other special services.⁶⁰

Community school equity supplement

(Sections 265.285 and 265.290)

The bill requires the Department to pay an equity supplement in FY 2024 and 2025 to each community school that is not an internet- or computer-based community school (e-school). The Department must calculate a community school's equity supplement for a fiscal year by multiplying the number of students in the school's enrolled ADM by \$400.

Additionally, the bill requires the Department to include a community school's equity supplement in the school's payments for the fiscal year when the Department calculates the schools transitional aid.

⁵⁹ R.C. 3317.028, not in the bill.

⁶⁰ See R.C. 3317.06 and 3317.062, neither in bill.

DOPRs and career-technical programs

(R.C. 3317.161)

The bill adds dropout prevention and recovery programs (DOPRs) of school districts, community schools, and STEM schools to the approval process for state funding for career-technical education programs.

It also requires the Department to authorize a payment for any DOPR offering career-technical education that is in its first year of operation and that submits an application for approval after the May 15 deadline established under continuing law for the fiscal year for which the application was submitted.

DOPR community school credential-only programs

(R.C. 3317.163)

The bill addresses how dropout prevention and recovery (DOPR) community schools that operate credential-only programs are funded and how those funds may be used. For the purposes of the provision, a “credential-only program” is an industry-approved credentialing program, or series of programs, offered by a DOPR community school that:

1. Enrolls students in grades 11-12;
2. Permits students to earn an industry-recognized credential;
3. Aligns with an approved career-technical education program; and
4. Is offered using classroom teachers employed by the DOPR community school.

The bill requires the Department to adjust the career-technical education ADM of a DOPR community school that offers a credential-only program so that each student enrolled in that program is included in the school’s category one career-technical education ADM. In addition, the bill requires the Department to count each student enrolled in a credential-only program as a full-time student.

Finally, the bill permits a DOPR community school that offers a credential-only program to provide support services to its graduates to assist them in securing post-secondary placement opportunities, including careers with state, regional, and local labor organizations. For that purpose, it authorizes a school to use a portion of its career-technical education funds to provide recent graduates, in the year following their graduation, with short-term, emergency financial assistance related to childcare, housing, food insecurity, transportation, and services including healthcare, dental care, mental health care, and addiction treatment.

DOPR e-school funding pilot program

(R.C. 3317.22)

The bill makes permanent and revises the operation of the pilot program to provide additional funding to eligible dropout prevention and recovery (DOPR) internet- or computer-based community schools (e-schools). Specifically, the bill:

1. Expands eligibility to participate in the program to any DOPR e-school, rather than only DOPR e-schools that participated in FY 2021;
2. Requires a DOPR e-school to notify the Department of its intent to participate in the program by February 1 of the school year in which the e-school wishes to participate;
3. Requires the Department to calculate a DOPR e-school's funding under the program using the statewide average base cost per pupil, rather than the formula amount prescribed under prior law;
4. Eliminates, or in some cases updates, obsolete language; and
5. Eliminates the Department's authority to require a participating DOPR e-school to create a debt reduction plan approved by the school's sponsor.

H.B. 123 of the 133rd General Assembly established the pilot program to provide additional funding to eligible DOPR e-schools on a per-pupil basis for school's students in grades eight through 12. H.B. 110 of the 133rd General Assembly extended the pilot program's operation to FY 2022 and FY 2023 and limited participation only to those DOPR e-schools that participated in FY 2021.

For additional information on the program, see the [LSC Final Analysis \(PDF\) for H.B. 123 of the 133rd General Assembly](#), which is available on the General Assembly's website: legislature.ohio.gov.

School funding based on updated TY 2021 data

(Section 265.560)

The bill addresses the Department's computation of state foundation aid for a school district whose property tax information was incorrectly reported in tax year 2021. The adjustment applies to a district located in a county that reported incorrect tax data that year for public utility property valued at more than \$14 million.

The bill allows the county auditor to certify the corrected property tax data to the Department of Taxation within 15 days after the provision's effective date. The Department of Taxation must recertify the school district's updated data to the Department of Education and Workforce, which will adjust the district's state foundation aid accordingly.

III. Student transportation

School district schedule

(R.C. 3313.48)

The bill eliminates requirements for a city, local, or exempted village school district to consider, notify, and consult with each joint vocational school district (JVSD), community school, and chartered nonpublic school whose students the district transports when the district changes its school schedule. The bill also eliminates requirements that a school district planning to change its school schedule enter into a written agreement prescribing reasonable accommodations to meet the scheduling needs of a JVSD or community school whose students the district transports prior to implementation of the schedule change.

The bill instead requires approval from each JVSD, community school, and chartered nonpublic school whose students the district is required to transport before making changes to the hours of days of instruction for the district.

The bill further provides that if a community or chartered nonpublic school enrolls students who receive transportation from different school districts, then the school district that provides transportation to the greatest number of students enrolled at the community or chartered nonpublic school is responsible for coordinating school hours or days with the other school districts.

Transportation communication schedule

(R.C. 3327.016)

The bill includes new requirements that community schools and chartered nonpublic schools must follow related to student transportation. Current law requires each community and chartered nonpublic school to establish the school's start and end times for the upcoming school year by April 1 of each year and provide those times to each school district that the school expects will be responsible to provide transportation services for its students. The bill adds the following communication duties for community schools and chartered nonpublic schools:

- By April 1 of each year, provide the school's contact names, telephone numbers, and electronic mail addresses for the summer and upcoming school year and the home addresses of enrolled students to the school districts expected to provide student transport.
- By May 1 of each year, provide initial lists of students requiring transportation services to the appropriate school districts.
- By July 1, and again on September 1, schools must provide updated lists to those school districts.
- Finally, on the first day of September, December, March, and June, or within ten days of a new student enrolling in the community or chartered nonpublic school, the school must provide additional updated lists of students requiring transportation to the appropriate school districts.

Under the bill's communication schedule, by August 1 of each year, school districts must provide transportation plans to the community or chartered nonpublic schools whose students the district is transporting.

Transportation dispute resolution timeline

(R.C. 3327.02 and 3327.021)

Mediation timeline

Beginning with requests for mediation regarding disputes on determinations of impracticality for student transportation received by the Department after December 1, 2023, the bill requires the Department to take initial action on the mediation within 30 days of receiving the request. However, the Department may delay the initial action to within 45 days of receiving

a request if the Department notifies all affected parties in advance of the delay. Current law does not set a timeline for mediation.

Under continuing law, a school district may determine that it is impractical to transport a student who is eligible for school transportation, based on the time and distance required to provide the transportation, the number of students to be transported, the cost of providing transportation, whether similar or equivalent service is provided to other eligible students, whether and to what extent the additional service unavoidably disrupts current transportation schedules, and whether other reimbursable types of transportation are available. After a school district's board passes a resolution declaring the impracticality of transportation, the school board must offer to provide payment to the student's parents in lieu of transportation. A parent may reject the payment in lieu and request the Department to conduct mediation procedures over the determination of impracticality.

District noncompliance determination timeline

Beginning with disputes regarding determinations of school district noncompliance with transportation obligations arising after December 1, 2023, the bill requires the Department to issue a determination within 30 days of receiving a dispute. However, the Department may delay a determination to within 45 days of receiving a dispute notice if the Department notifies all affected parties in advance that the determination will be delayed.

Under continuing law, the Department must monitor each school district's compliance with its transportation obligations and penalize school districts that are out of compliance with those obligations.

Pending transportation disputes

(Section 265.580)

The bill requires the Department to process and resolve any disputes pending on the section's effective date regarding declarations of impracticality to provide transportation or determinations regarding transportation noncompliance by December 1, 2023.

Prohibition on late drop-off

(R.C. 3327.01)

The bill specifically prohibits transportation operators from delivering students late to school. Current law already prohibits operators of every school bus or motor van owned and operated by a school district or educational service center (ESC), or privately owned and operated under contract with any school district or ESC in the state to deliver students to their respective public and nonpublic schools not sooner than 30 minutes prior to the beginning of school and to be available to pick them up not later than 30 minutes after the close of their respective schools each day.

Payment in lieu – determinations of impracticality

(R.C. 3327.02)

Under continuing law, a school district, or a community school that has accepted responsibility to provide transportation, may offer a parent payment instead of transportation,

if it determines that transporting a particular student is impractical. Statutory law prescribes the factors that districts and schools must consider in making that determination on a student-by-student basis. A district or school must make a determination regarding whether to provide payment in lieu of transportation for a student not later than 30 calendar days prior to the district's or school's first day of instruction. For students who enroll within that 30-day period or after the first day of instruction, the district or school must make the determination within 14 calendar days after a student's enrollment. A district superintendent may make that determination, but requires that it be formalized at the next meeting of the school district board of education or community school governing authority. Additionally, the district or school must issue to a student's parent or guardian, the student's nonpublic or community school, and the State Board a letter with a detailed description of the reasons why the payment in lieu determination was made.

The bill requires that determinations of impracticality of transportation be re-evaluated at least every other year and be reconsidered in each year if a parent or guardian has a change of circumstance and requests transportation. The bill sets the maximum amount of a payment in lieu of providing transportation at \$2,500. Under current law, the maximum amount is the average cost of pupil transportation for the previous school year. In FY 2023, the minimum amount of payment in lieu is \$539, and the maximum is \$1,077.

Under current law, a school district may offer a parent payment instead of transportation, if it determines that transporting a particular student is impractical. District boards are required to consider a number of factors in making such decisions related to time and distance of travel and whether other reimbursable types of transportation are available.

Out of compliance definition and penalties

(R.C. 3327.021)

The bill defines what constitutes noncompliance with school transportation law and specifies how the Department must calculate amounts to be withheld for noncompliance.

Current law requires the Department to deduct a portion of a school district's state transportation funding if the Department determines that the district has consistently, or for a prolonged period, been out of compliance with certain statutory obligations regarding student transportation. If the Department determines a consistent or prolonged period of noncompliance by a district to meet those obligations, it must deduct from the district's state transportation funding the total daily amount of that funding for each day the district is noncompliant.

The bill makes changes to that requirement. First, it defines "out of compliance" as a period of five consecutive school days or more than ten school days within a school year in which any of the following occur for each of those days:

1. Students arrive more than 30 minutes late to school;
2. Students are picked up more than 30 minutes after the end of the school day;
3. Students do not receive any transportation at all due to the failure of the bus to arrive;

or

4. Noncompliance with any other student transportation requirements under continuing law. The bill makes an exemption for days in which inclement weather caused any of the above to occur from counting toward the period of noncompliance.

Next, the bill requires the Department to withhold, instead of deduct, transportation payment from a district that is found to be out of compliance. Under the bill, the Department must calculate, for each day after that the district is found to be out of compliance, including the initial period of noncompliance, the daily amount of that payment on a per-pupil basis. The Department must then disburse that per-pupil amount to the district or school in which the pupil is enrolled. The district or school must then remit those funds to the parent or guardian of each student who did not receive proper transportation while the district was out of compliance. The bill specifically requires that these payments come from the amount that the Department withholds for noncompliance.

For further information on student transportation, see the LSC Members Brief, [Transportation of Students \(PDF\)](#), which is available on LSC's website, lsc.ohio.gov.

Bus Driver Flex Career Path Model

(R.C. 3327.102)

The bill requires the Department to develop the Bus Driver Flex Career Path Model to create a pathway for bus drivers to work as educational aides or student monitors at districts and schools.

In developing the model, the Department must do all of the following:

1. Ensure that bus drivers work an eight to ten hour shift by doing either a morning or afternoon bus route and spend the remainder of the work day working as an educational aide or student monitor at a school;
2. Make recommendations on how to seamlessly implement the model, including who would be responsible for paying wages in the most efficient way, whether proportional share or not; and
3. Ensure that the model does not adversely impact a bus driver's pension.

Nine-passenger vehicles

(R.C. 4511.76)

The bill authorizes a school district to use a vehicle designed to carry nine passengers or less (not including the driver) to transport students to and from a chartered nonpublic school and a community school for regularly scheduled school sessions if both of the following apply:

1. The number of students transported is nine or less; and
2. The district regularly transports students to that chartered nonpublic school or community school.

Currently, under the Department's rules, the vehicles described above cannot be used routinely for regularly scheduled school sessions, except for transporting preschool children,

special needs children, homeless children, foster children, children who are inaccessible to school buses, students placed in alternative schools, or for work programs.⁶¹

Current law also includes a general exception to the Department's rules regarding nine-passenger vehicles by allowing a chartered nonpublic school to use such vehicles to transport its students when either:

1. The local school district has declared transportation of the student impractical; or
2. The student lives more than 30 minutes away from the school.

The bill extends this exception to community schools. It also authorizes a chartered nonpublic school and a community school to use the vehicles to and from regularly scheduled school sessions whenever the school has offered to provide its own student transportation.

In any of the above circumstances, the bill requires that the following safety standards (many of which are currently part of the Department administrative rules) apply:

1. A qualified mechanic inspects the vehicle at least two times each year and determines that it is safe for pupil transportation; and
2. The driver of the vehicle does not stop on the roadway to load or unload passengers (i.e. the driver must pull into a driveway or parking lot instead).
3. The driver meets the standard Department requirements for a school bus or motor van driver (e.g., background checks and training), with the exception that the driver does not need to have a commercial driver's license. The driver must, however, have a current, valid driver's license and be accustomed to operating the vehicle that is transporting the students.
4. The driver and all passengers comply with the seat belt and child restraint system (e.g., booster seats) requirements.

Daily pre-trip school bus inspections

(R.C. 4511.765)

The bill requires the Superintendent of Public Instruction, with the advice of the Director of Public Safety, to modify their rules relating to daily pre-trip school bus inspections. The modification must remove the daily check of all of the following equipment before the school bus driver departs to pick up students for the day:

1. The turbo charger;
2. The alternator;
3. The belts;
4. The water pump;
5. The power steering pump;

⁶¹ O.A.C. 3301-83-19.

6. The air pump;
7. Any part of the steering system;
8. Any part of the suspension;
9. Any part of the air brakes;
10. Any part of the brake equipment, including drums or rotors;
11. The springs and spring mounts; and
12. The air bags.

The bill specifies that while daily checks are eliminated, the State Highway Patrol must still check all of the above equipment in their regular school bus equipment inspections.

Private and community school pupil transportation – children with disabilities

(R.C. 3327.01)

The bill requires school districts to provide transportation as a related service to students with disabilities who live in the district but attend a nonpublic school if the school district is provided with supporting documentation in the student's individualized education program (IEP), individual service plan, or academic support plan.

Pilot program

(Section 265.550)

The bill requires the Department to establish a pilot program under which two educational service centers (ESCs) will provide transportation to students enrolled in participating community schools, STEM schools, and chartered nonpublic schools for the 2023-2024 school year, in lieu of the students receiving transportation from their resident school district.

By October 15, 2023, the Department must select one ESC in a county located in central Ohio with a population of 1,323,807, and one ESC in a county located in southwest Ohio with a population of 537,309, according to the 2020 United States census, to participate in the pilot program. The Department and the selected ESCs then jointly must identify a school district served by the service center and community schools and chartered nonpublic schools that enroll students from the district for whom the service center will provide transportation during the 2024-2025 school year. Under the bill, community schools and chartered nonpublic schools are not required to participate in the program. The bill requires the Department to deduct from the school district's transportation payment and pay to the ESC the amount the district would receive for each community and chartered nonpublic school student transported by the ESC.

The Department must evaluate the pilot program and issue a report of its findings not later than September 15, 2025, and participating schools and ESCs must submit data and other information to the Department for the evaluation.

Under the program, ESCs, for the 2023-2024 school year must arrange for the use of a sufficient number of school buses and bus drivers to transport all students from participating schools who qualify for transportation and the school district's transportation policy. Participating ESCs must collaborate with participating schools to designate daily start and end times for the 2024-2025 school year that will enable timely and efficient transportation of the schools' students. Further, on behalf of participating schools, ESCs must notify the school district that those schools will not require transportation for the 2024-2025 school year.

School districts and ESCs that participate in the program are exempt from penalties for consistent or prolonged noncompliance with the law requiring student transportation during the 2024-2025 school year with regard to students enrolled in participating schools. However, participating ESCs still must comply with all transportation requirements for students with disabilities as specified in the individualized education programs.

IV. Dyslexia screenings and interventions

Transfer students

(R.C. 3323.251)

The bill requires school districts and schools to administer tier one dyslexia screenings and intervention to students enrolled in any of grades K-6 who transfer into the district or school midyear. The dyslexia screenings must be aligned to the grade level in which the student is enrolled at the time the screening is administered. However, the bill exempts a district or school from administering a tier one dyslexia screening measure to a transfer student whose student record indicates that the student received a screening in that school year from the student's original school. Continuing law requires that districts and schools administer a tier one dyslexia screening to students in grades K-6 under prescribed conditions.

The bill prescribes the following administrations of a tier one dyslexia screening measure for transfer students:

1. For students enrolled in kindergarten, a district or school must administer a screening measure during the kindergarten class's regularly scheduled screening or within 30 days after the student's enrollment or after a parent, guardian, or custodian requests or grants permission for the screening;

2. For students enrolled in any of grades 1 through 6, a district or school must administer a screening measure within 30 days of a student's enrollment if required, or within 30 days after the student's parent, guardian, or custodian requests or grants permission for the screening.

Professional development

(R.C. 3319.077)

Continuing law requires teachers who teach grades K-3 or special education to grades 4-12 complete professional development regarding dyslexia. The bill specifically applies the phase-in model for dyslexia training as part of a teacher's approved professional development training to teachers employed by the district on April 12, 2021, and specifies the dates by which a teacher must complete the training as follows:

1. Not later than the beginning of the 2023-2024 school year, for each district teacher who provides instruction for students in grades K and 1, unchanged from continuing law;
2. Not later than September 15, 2024, for each district teacher who provides instruction for students in grades 2 and 3;
3. Not later than September 15, 2025, for each district teacher who provides special education instruction for students in grades 4 through 12.

Teachers employed after April 12, 2021, must complete the training by the later of two years after date of hire or the dates specified above for teachers employed prior to that date. However, this does not apply to teachers who already have completed the training while employed by a different district.

V. State scholarship programs

(R.C. 3310.03, 3310.032, 3310.035, 3310.08, 3310.13, 3310.16, 3310.41, 3310.52, 3310.581, 3313.13, 3313.975, 3313.976, 3313.978, 3365.07 and 3317.022; Sections 265.275, 265.277, 265.570, and 265.571)

Ed Choice Expansion eligibility and scholarship amounts

The bill expands eligibility for an Ed Choice Expansion scholarship to *any* student entering grades K-12 in the school year for which a scholarship is sought. It also establishes, in codified law, a logarithmic function formula to calculate scholarship award amounts for students who receive a first-time Ed Choice Expansion scholarship on and after the bill's effective date. The formula replaces the specific scholarship amounts set forth in current law. Recipients of the scholarship under the expansion prior to that date may continue to receive the amounts they received prior to the bill's effective date. However, the bill permits the parent of any student who received an Ed Choice Expansion scholarship prior to that date to elect to receive the amount calculated under the new formula instead.

However, that formula will not be used for first-time scholarship recipients in the 2023-2024 school year for FY2024. Instead of amounts based on the formula, those students will receive specific scholarship amounts based on a student's family income. The bill does not affect the eligibility or amounts awarded under traditional scholarships.

Logarithmic function formula

Under the formula, any student with a family adjusted gross income at or below 450% of the federal poverty level (FPL) will receive the formula's base amount. The formula's base amount is the same scholarship amount that a traditional Ed Choice scholarship recipient receives. Scholarship amounts for students with a family adjusted gross income above 450% FPL are progressively reduced based on family adjusted gross income, with students with higher family incomes receiving smaller amounts. However, the formula establishes a minimum scholarship amount for an Ed Choice Expansion recipient that is equal to 10% of the formula's base amount.

The table below indicates the estimated scholarship amounts for new Ed Choice Expansion recipients under the formula. The first row indicates students who will receive the

formula's base amount, the second row indicates students who will receive 50% of the base amount, and the final row indicates students who will receive the formula's minimum amount.

Ed Choice Expansion scholarship amounts for first-time recipients under the formula		
Student's family income based on FPL ⁶²	K-8 scholarship amount	9-12 scholarship amount
At or below 450% FPL (\$135,000 or less)	\$6,165.00	\$8,407.00
At 550% FPL (\$165,000)	\$3,082.50	\$4,203.50
At or above 785% FPL (\$235,500 or more)	\$615.50	\$840.70

Under the bill, the Department must require an applicant for an Ed Choice Expansion scholarship to submit documentation regarding the student's family adjusted gross income for the purposes of calculating the student's scholarship amount. The Department must use the documentation submitted for the first school year the student's has a scholarship calculated under the formula to calculate the student's scholarship amount for that school year and subsequent school years, unless a student's parent requests for the amount to be recalculated. In that case, the Department must recalculate the scholarship amount based on updated documentation provided by the parent.

The bill also requires the Department to provide an opportunity each fiscal year for the parent of a student who received an Ed Choice Expansion scholarship prior to the bill's effective date to elect to receive a scholarship amount calculated under the formula.

First-time scholarship recipients in the 2023-2024 school year

For FY 2024 only, the bill requires the Department to determine a scholarship amount for a student who receives a first-time Ed Choice Expansion scholarship based on the student's family income. A student with a family income at or below 450% FPL must receive the same scholarship amount as a Traditional Ed Choice scholarship recipient. For a student with a family income above 450% FPL, the bill prescribes specific scholarship amounts based on the student's family income.

⁶² FPL dollar amounts are calculated based on the [HHS Poverty Guidelines for 2023](https://www.hhs.gov/health-policy/poverty-guidelines) for a family size of four issued by the federal Department of Health and Human Services, which are also available at aspe.hhs.gov.

The table below indicates the estimated scholarship amounts for students with a family income at or below 450% FPL and the specific prescribed amounts for students with a family income above 450% FPL.

Ed Choice Expansion scholarship amounts for first-time recipients in the 2023-2024 school year		
Student's family income based on FPL⁶³	K-8 scholarship amount	9-12 scholarship amount
At or below 450% FPL (\$135,000 or less)	\$6,165	\$8,407
Above 450% FPL, but at or below 500% FPL (\$135,001 to \$150,000)	\$5,200	\$7,050
Above 500% FPL, but at or below 550% FPL (\$150,001 to \$165,000)	\$3,650	\$5,000
Above 550% FPL, but at or below 600% FPL (\$165,001 to \$180,000)	\$2,600	\$3,550

⁶³ FPL dollar amounts are calculated based on the [HHS Poverty Guidelines for 2023](#) for a family size of four issued by the federal Department of Health and Human Services, which are also available at aspe.hhs.gov.

Ed Choice Expansion scholarship amounts for first-time recipients in the 2023-2024 school year		
Student's family income based on FPL ⁶³	K-8 scholarship amount	9-12 scholarship amount
Above 600% FPL, but at or below 650% FPL (\$180,001 to \$195,000)	\$1,850	\$2,500
Above 650% FPL, but at or below 700% FPL (\$195,001 to \$210,000)	\$1,300	\$1,750
Above 700% FPL, but at or below 750% FPL (\$210,001 to \$225,000)	\$900	\$1,250
Above 750% FPL (\$225,001 or more)	\$650	\$950

Elimination of priority order

The bill eliminates the provisions under current law that outlines the priority order for awarding Ed Choice expansion scholarships if the number of eligible students who apply for a scholarship exceeds the scholarship available based on the appropriation.

Ed Choice scholarship selection

(R.C. 3310.035)

The bill permits a student that qualifies for both an income-based and a performance-based Ed Choice scholarship to select which of those scholarships the student will receive. A student may change which scholarship they receive in each school year.

Under current law, a student that qualifies for both scholarships is required to select the performance-based scholarship.

Use of private scholarships for Ed Choice

(R.C. 3310.13)

The bill permits a chartered nonpublic school to accept scholarships issued by a scholarship granting organization as payment for the difference between the amount of a student's scholarship and the regular tuition charge of the school, as well as for any fees regularly charged by the school. Under continuing law, these schools may charge any student whose family income is above 200% of the federal poverty guidelines up to the difference between the amount of the student's scholarship and the regular tuition charge of the school.

A "scholarship granting organization" is an entity that is certified by the Attorney General as a nonprofit organization that primarily awards academic scholarships for primary and secondary school students and prioritizes awarding scholarships to low-income primary and secondary school students.⁶⁴

Background

The Ed Choice Scholarship Program operates statewide in every school district except Cleveland to provide scholarships mainly for students who (1) are assigned or would be assigned to district school buildings that have persistently low academic achievement (known as "traditional" or "performance-based" Ed Choice) or (2) are from low-income families (known as "income-based" Ed Choice Expansion). Continuing law also qualifies for traditional Ed Choice scholarships certain other categories of students as well, including foster children. Students may use their scholarships to enroll in participating chartered nonpublic schools.

Autism Scholarship

Eligibility

(R.C. 3310.41)

The bill adds a new qualification as well as qualifies a child under one, instead of both, existing qualifications under current law.

As a result, the bill qualifies a child for the Autism Scholarship Program if any of the following apply to the child:

1. The school district in which the child is entitled to attend school has identified the child as autistic;
2. The school district in which the child is entitled to attend school has developed an individualized education program (IEP) for the child which specifically includes services related to autism; *or*
3. The child has been diagnosed as autistic by a physician or psychologist.

Under existing law, a child is eligible for the Autism Scholarship Program if, the school district identified the child as autistic, *and* the school district developed an IEP for the child.

⁶⁴ R.C. 5747.73.

The bill also requires school districts to develop an education plan for a child who is eligible for the Autism Scholarship Program based on an autism diagnosis who does not have an IEP.

Intervention services providers

(R.C. 3310.41 and 3310.43)

The bill qualifies certified Ohio behavior analysts as providers that may offer intervention services under the Autism Scholarship Program. The bill also qualifies registered behavior technicians to provide intervention services under the Autism Scholarship Program if the registered behavior technician works under the supervision and following the intervention plan of a certified Ohio behavior analyst or a behavior analyst certified by a nationally recognized organization that certifies behavior analysts.

Under current law, intervention services under the Autism Scholarship Program may be provided by a qualified, credentialed provider. The providers expressly qualified include certified behavior analysts, licensed psychologists, licensed school psychologists, individuals employed and supervised by such psychologists or school psychologists, unlicensed individuals holding a doctoral degree in psychology or special education from a program approved by the State Board, and other qualified individuals as determined by the State Board.

The bill also prohibits the State Board from requiring registered behavior technicians and certified Ohio behavior analysts to receive an instructional assistant permit to qualify to provide services to a child under the Autism Scholarship Program, including in-home services. Under current law, the Department issues one-year instructional assistant permits to individuals who meet qualifications and have been hired by a registered private provider under the Autism Scholarship Program.

State scholarships – general

Verification of income

The bill permits a student's parent or guardian to certify income eligibility for an Ed Choice expansion scholarship to the Department by submitting: (1) an affidavit affirming that the student's family income meets the income requirement, (2) proof of income eligibility under another state or federal program, or (3) other evidence determined appropriate by the Department.

Conversely, the bill prohibits the Department from generally requiring the parent of a student who is applying for, or receiving, a traditional Ed Choice, Autism, Jon Peterson Special Needs, or Cleveland scholarship from completing any kind of income verification regarding the student's family income. It is unclear how this provision will operate with the provisions related to tax returns described below.

However, a Department may require income verification to qualify low-income Ed Choice or Cleveland scholarship recipients for a waiver of any tuition, textbooks, or fees related to attending a private college through the College Credit Plus (CCP) Program.

Tax return information

The bill exempts an individual who is not required to file a state tax return under continuing law requirements from the requirement to certify income eligibility for an Ed Choice expansion scholarship. It also prohibits the Department from requiring the parent of a student to submit a complete copy of the parent's federal or state income tax return to determine the student's family income for the purposes of the Ed Choice or Cleveland Scholarship Program. Instead, the Department may require a partial federal or state tax return that only contains the minimum amount of information necessary to determine the student's family income.

Waiver of additional tuition

The bill removes the requirement under current law that a chartered nonpublic school participating in the Ed Choice Scholarship Program or a private school participating in the Cleveland Scholarship Program waive any additional tuition above a scholarship amount for a student with a family income at or below 200% FPL.

Reporting of tuition rates

The bill requires each of the following entities, by September 30, 2023, for the 2023-2024 school year and by June 30 prior to each following school year thereafter, to submit to the Department the entity's tuition rates for that year:

1. Chartered nonpublic schools enrolling Ed Choice scholarship recipients;
 2. Private schools enrolling Cleveland scholarship recipients;
 3. Alternative public or register private providers enrolling Autism scholarship recipients;
- and
4. Alternative public or registered private providers enrolling Jon Peterson Special Needs scholarship recipients.

Applications after the start of the school year

The bill delays the application deadline for receiving the full amount of an Ed Choice or Cleveland scholarship from July 1 to October 15 of the school year for which a scholarship is sought. The bill specifies that the Department prorate the amount of a student's scholarship for an application submitted on and after October 15 based on how much of the school year remains after the date of the student's enrollment in school.

Cleveland scholarship program restrictions

(R.C. 3313.976 and 3313.978)

The bill permits a student who resides in Cleveland Municipal School District to use the Cleveland Scholarship to attend any private school, without a restriction on location of that school. Under current law, depending on the grade levels offered and (in some cases) the population of the municipal corporation in which the school is located, the school must be located within the boundaries of Cleveland Municipal School District, within five miles of the border of Cleveland Municipal School District, or in the same county as Cleveland Municipal School District.

Family income disclosure

(R.C. 3310.13)

The bill prohibits a chartered nonpublic school participating in Ed Choice from requiring a student's parent to disclose, as part of the school's admission procedure, whether the student's family income is at or below 200% of the federal poverty level (FPL).

Continuing law prohibits a chartered nonpublic school from charging an Ed Choice scholarship recipient tuition exceeding the recipient's scholarship amount if the recipient's family income is at or below 200% FPL.

VI. Community schools

Community school sponsors

Sponsor evaluation framework

(R.C. 3314.016(B)(1)(a) and (b))

The bill makes two changes to the community sponsor evaluation framework that the Department must use annually to rate and assign an overall rating to each entity that sponsors a community school. Under continuing law, a sponsor's evaluation is based on three components – (1) academic performance of students enrolled in community schools sponsored by the same entity, (2) adherence to quality practices, and (3) compliance with applicable laws and rules.

Academic performance component

The bill requires the Department to use the higher of a sponsor's academic performance score for the schools in a sponsor's portfolio as determined by weighting each school based on enrollment or by weighting each school equally when calculating the academic performance component of the sponsor's evaluation.

Adherence to quality practices

The bill also requires each sponsor to submit documentation of the sponsor's adherence to quality practices by May 15 each year. A sponsor may participate in an interview with the party contracted by the Department to assess those practices. Following the interview, a sponsor may submit additional documentation as evidence of the sponsor's adherence.

Request for proposals to amend sponsor evaluation framework

(Section 733.90)

The bill requires the Department, by November 15, 2023, to issue a request for proposals, and by January 1, 2024, select from those proposals a third-party organization to assist in the development of a portfolio-based sponsor evaluation framework to determine the performance of community school sponsors. In developing the request for proposals, the Department must collaborate with community school stakeholders. The selected organization must have experience assessing the performance of sponsors in multiple states, be familiar with national quality standards and have demonstrated knowledge regarding the work done by sponsors.

The selected organization must collaborate with stakeholders to develop a framework that does at least the following: (1) provides meaningful differentiation of performance by sponsors through different overall ratings or performance levels, (2) includes specific performance indicators, metrics, and performance standards, (3) specifies the frequency of evaluations, and (4) includes incentives for high-performing sponsors and consequences for low performing sponsors. The organization must submit the proposed framework to the General Assembly by June 30, 2024.

Transitional evaluations

The bill requires that the Department post the evaluation system to be used for the 2023-2024 school year on its web site by October 1, 2023. For the 2024-2025 school year only, the Department must evaluate only (1) sponsors that received an overall rating of “ineffective” on their most recent evaluation and (2) new sponsors that have not been previously evaluated. While the bill does not require the Department to evaluate higher performing sponsors, such sponsors may elect to be evaluated during that period.

High performing sponsor incentives

(R.C. 3314.016(B)(7)(a))

The bill qualifies all “exemplary” sponsors for statutory incentives, rather than only sponsors rated “exemplary” for the two most recent school years. Under continuing law, those statutory incentives include the following:

1. Automatic renewal of the agreement with the Department;
2. The ability to extend the term of the sponsorship contract;
3. An exemption from the preliminary agreement and contract adoption and execution deadline;
4. An exemption from automatic contract expiration;
5. No limit on the number of community schools that can be sponsored;
6. No territorial restrictions on sponsorship.

Schools previously sponsored by Office of Ohio School Sponsorship

(R.C. 3314.016(B)(9))

The bill excludes from the performance rating of a community school sponsor that was rated “exemplary” on its three most recent evaluations, for the first two years of sponsorship, the academic performance of a community school with which the sponsor has entered into a contract. The performance of the community school may be excluded if the Department’s Office of Ohio School Sponsorship was the school’s most recent sponsor. However, the bill revokes this incentive if the sponsor receives a lower rating in the first two years of sponsorship.

Background

Under continuing law, the Department’s Office of Ohio School Sponsorship is permitted to directly authorize the operation of a limited number of both new and existing community

schools rather than those schools being subject to the oversight of other public or private sponsors.⁶⁵ Additionally, in the event that the Department revokes a sponsor's approval to sponsor community schools, the Office may assume sponsorship of any schools with which that sponsor has contracted for two school years or until a new eligible sponsor is secured by the governing authority.⁶⁶

Sponsor changing for schools that serve students with disabilities

(R.C. 3314.034)

The bill makes two changes to the general prohibition against lower-performing community schools entering into a contract with a new sponsor, both of which apply only to schools that primarily serve students with disabilities receiving special education and related services.

Request to change community school sponsors

First, the bill requires that when the Department decides to approve a request to change sponsors from a community school that primarily serves students with disabilities it must at least consider the school's performance against the average performance of all other community schools that primarily serve students with disabilities.

Relief from requirement to submit request

Second, the bill permits a community school that primarily serves students with disabilities to enter into a contract with a new qualified sponsor without submitting a request if (1) the school received a rating of at least three stars for progress on its most recent report card and (2) as calculated for the most recent school year, the school's performance index score for students with disabilities is higher than that of the school district in which the school is located.

Background on changing sponsors

Generally, lower-performing community schools may enter into a contract with a new sponsor only if all of the following conditions are satisfied:

1. The proposed sponsor received a rating of "effective" or higher on its most recent evaluation or is the Office of Ohio School Sponsorship;
2. The school submits a request to enter into a new contract to the Department;
3. The school has not submitted a prior request to change sponsors that was granted; and
4. The Department grants the school's request.

A community school is considered lower-performing if either of the following conditions are true:

⁶⁵ R.C. 3314.029, not in the bill.

⁶⁶ R.C. 3314.015, not in the bill.

1. The community school has received a performance rating of less than three stars for both Achievement and Progress on the most recent state report card.

2. The community school primarily operates a dropout prevention and recovery program and has received a rating of “does not meet standards” for the annual student growth measure and combined graduation rates on the most recent state report card.

Community school FTE reporting

(Section 5 of H.B. 554 of the 134th G.A., amended in Sections 610.35 and 610.36)

The bill extends through the 2023-2024 and 2024-2025 school years the option for a qualifying community school to elect to report its number of enrolled students to the Department on a full-time equivalent basis using the lesser of:

1. The maximum full-time equivalency for the portion of the school year for which a student is enrolled in the school; or

2. The sum of $\frac{1}{6}$ of the full-time equivalency based on attendance for the portion of the school year for which a student is enrolled and $\frac{1}{6}$ of the full-time equivalency for each credit of instruction earned during the enrollment period, up to five credits.

For more information on the provision and the community schools that qualify under it, see the LSC [Final Analysis \(PDF\) for H.B. 554 of the 134th General Assembly](#), which is also available at legislature.ohio.gov.

Dropout prevention and recovery schools

End-of-course exams for DOPR community schools

(R.C. 3301.0727)

Under the bill, a dropout prevention and recovery (DOPR) community school must do both of the following with regard to the administration of end-of-course exams:

1. In addition to the annual testing windows established by the Superintendent of Public Instruction, administer the exams in an online or paper format based on the needs of the student;

2. Adhere to security requirements prescribed under continuing law for those exams.

The Superintendent of Public Instruction must establish extended ten-week testing windows in the fall and spring for DOPR community schools so that exams may be administered in closer proximity to when students complete related coursework. The state Superintendent also must establish a summer testing window for students participating in summer instruction.

The bill expressly states this provision does not relieve a DOPR community school from its obligation to administer in-person testing as otherwise required under continuing law.

DOPR report cards

(R.C. 3314.017)

The bill requires the State Board of Education to base its rules for DOPR community schools prescribing the expected performance levels and benchmarks for performance

indicators, in part, on simulations created by the Department. The bill also requires the Department to gather and analyze data from prior school years, rather than leaving that to the Department's discretion. It removes several requirements related to developing the rating and report card systems, the timelines for which have passed.

DOPR Advisory Council

(R.C. 3314.381)

The bill establishes the DOPR Advisory Council to provide a forum for communication and collaboration between the Department and parties involved in the establishment and operation of DOPR community schools, including sponsors and operators. The Council consists of the following members appointed by the State Board of Education:

1. Two members of the State Board;
2. One employee of the Department who works directly with DOPR community schools;
3. Seven individuals with experience in DOPR community schools, their operators, and their sponsors that represent a diverse array of schools in terms of enrollment, programs, learning models, and methods of instruction.

The Advisory Council is required to collaborate with the State Board to review all existing rules and guidance previously developed or adopted by the Department imposing on a DOPR community school.

Rules and guidelines for DOPR community schools

(R.C. 3314.382)

The bill requires the Department to adopt rules in accordance with the Administrative Procedure Act to impose any requirement on a DOPR community school. It prohibits the Department from developing guidelines – rather than a formally adopted rule – imposing requirements on their general and uniform operation. Prior to adoption of any rules, the newly created DOPR Advisory Council must review those rules. On the bill's effective date, it voids any guidance document previously developed by the Department that establishes general and uniform operations for DOPRs.

E-school standards

(R.C. 3314.23)

The bill changes the source for the standards with which internet- or computer-based community schools (e-schools) must comply. It requires e-schools to comply with the National Standards for Quality Online Learning developed under a project led by a partnership between Quality Matters, the Virtual Learning Leadership Alliance, and the Digital Learning Collaborative, or any other successor organization. Current law requires that e-schools comply with standards developed by the International Association for K-12 Online Learning.

Community school closing audit bonds and guarantees

The bill removes provisions related to community school closing audit bonds. (For more information, see “**Community school closing audit bonds and guarantees**” in the Treasurer of State portion of this analysis.)

VII. School districts

Academic intervention services for qualifying students

(R.C. 3313.6030, 3302.03, 3314.03, and 3326.11)

The bill requires each school district, community school, and STEM school to provide academic intervention services, free of cost, to each student who demonstrates a limited level of skill on a state assessment in math, science, or English language arts. For purposes of this provision, “state assessment” means a standard achievement assessment or an end-of-course examination.

The district or school must provide the services directly or through a contracted vendor, rather than referring a student for tutoring or informally recommending that the student receive some other form of support without actually providing those services. The bill provides some examples of what constitutes appropriate academic intervention services, such as tutoring, additional instruction time, participation in a learning support program, or other academically centered support services designed to improve the student’s academic performance.

Department monitoring and reporting

The Department is tasked with tracking and monitoring the academic progress of students receiving intervention services to determine whether each student makes progress toward demonstrating grade level proficiency and no longer needs intervention services. Each district and school must annually provide the Department with any information necessary to fulfil that responsibility. In addition to using the information provided by school districts and schools, the Department may index diagnostic assessments provided to the students.

The Department must also administer a self-reporting survey to all districts and schools with students receiving intervention services under the bill and prepare a report that includes a list of districts and schools that are providing services, a list of those districts and schools that are not providing services, and a list of districts and schools that fail to respond to the survey. By November 15 of each year, the Department must present that report to the standing committees of the House and Senate that consider primary and secondary education legislation, the Governor, and the Superintendent of Public Instruction.

Postsecondary readiness measure

The bill requires the Department to include a student who receives sufficient remediation under the bill’s provisions in the postsecondary readiness measure used to calculate the College, Career, Workforce, and Military Readiness component on the state report card.

Intradistrict open enrollment

(R.C. 3313.984)

The bill requires each school district to report to the Department of Education and Workforce, in the manner prescribed by the Department, the number of students who attend a school building in the district that is different from the one to which the students are assigned.

In the case of a school district that conducts an enrollment lottery for students through an intradistrict open enrollment policy, the bill requires that the district conduct that lottery on the second Monday of June prior to the school year for which the student is seeking enrollment. Continuing law and administrative rule require that each board of education to adopt an intradistrict open enrollment policy, under which a resident student may enroll in a different school within the same district, but does not require a school district to assign placement to students based on a lottery system.⁶⁷

Virtual education during school closure

(R.C. 3313.482)

The bill addresses how a school district, community school, STEM school, or chartered nonpublic school may make up hours of instruction during a period of school closure for disease epidemic, hazardous weather conditions, law enforcement emergencies, inoperability of school buses or other equipment, damage to a school building, or other temporary circumstances rendering a school building unfit for use.

The bill repeals the current law process under which a district, community school, or chartered nonpublic school may adopt a plan to require students to complete lessons posted on the district or school's website, or paper copies of those lessons distributed to students (known as "blizzard bags"), for making up the equivalent of up to three school days when a school is closed. Instead, it requires a district, community school, STEM school, or chartered nonpublic school to adopt a plan to provide instruction through a virtual education delivery model during school closure.

Under the bill, the governing body of each district or school must adopt a plan by August 1 of each school year to provide instruction via online delivery to make up the equivalent of up to three school days. A governing body does not have to adopt a plan for any school it operates that uses an online or blended learning model.

Each plan must ensure continuity of learning and contain the following:

1. A statement that the school, to the extent possible, will provide for teacher-directed synchronous learning in real-time on a virtual learning platform during the closure;
2. The school's attendance requirements, including how the school will document participation in learning opportunities and how the school will reach out to students to ensure engagement during the closure;

⁶⁷ R.C. 3313.97, not in the bill, and O.A.C. 3301-48-01.

3. A description of how equitable access to quality instruction will be ensured, including how the school will address the needs of students with disabilities, English learners, and other vulnerable student populations;

4. The process by which the school will notify staff, students, and parents that the school will be using online delivery of instruction;

5. Information on contacting teachers by telephone, email, or virtual learning platform during the closure;

6. A description of how the school will meet the needs of staff and students regarding internet connectivity and technology.

The bill requires that each adopted plan include the written consent of the respective teacher's union.

Joint vocational school districts

The board of education of any joint vocational school district, in addition to making up the three school days permitted under the bill's general provision, may include in its plan other options to make up any number of additional hours missed as a result of a permitted closure at one of its member school districts, including additional online lessons, planned student internships, and student projects.

Minimum number of hours compliance

If a district, community school, STEM school, or chartered nonpublic school implements a plan that complies with the bill's provisions, the district or school must not be considered to have failed to comply with the minimum number of hours required by continuing law with respect to the number of make-up hours for which the plan is utilized.

Seizure action plans

(R.C. 3317.7117, 3314.03, 3326.11, and 3328.24; Section 733.20)

The bill requires each public and chartered nonpublic school to create an individualized seizure action plan for each enrolled student who has an active seizure disorder diagnosis. It must be created by the school nurse, or another district or school employee if a school district or school does not have a school nurse, in collaboration with the student's parent or guardian.

Each plan must include:

1. A written request signed by a parent, guardian, or other person having care or charge of the student to have drugs prescribed for a seizure disorder administered to the student;
2. A written statement from the student's treating practitioner providing the drug information for each drug prescribed for the student for a seizure disorder; and
3. Any other component required by the State Board.

The plan is effective only for the school year in which a written request is submitted and must be renewed at the beginning of each school year. Plans must be maintained in the school

nurse's office, or school administrator's office if the school does not employ a full-time school nurse.

For each student who has a seizure action plan in force, a school nurse or school administrator must notify each school employee, contractor, and volunteer who (1) regularly interacts with the student, (2) has legitimate educational interest in the student, or (3) is responsible for the direct supervision or transportation of the student in writing regarding the existence and content of the student's plan.

Further, each school nurse or school administrator must identify each individual who has received training under the seizure action plan in the administration of drugs prescribed for seizure disorders (see below). A school nurse or another district employee also must coordinate seizure disorder care at each school and ensure that all required staff are trained in the care of students with seizure disorders.

Finally, a drug prescribed for a student with a seizure disorder must be provided to the school nurse or another person at the school who is authorized to administer it to the student. The drug also must be provided in the container in which it was dispensed by the prescriber or licensed pharmacist.

Training on seizure action plans

The bill requires districts and schools once every two years to train or arrange training for at least one employee at each school, aside from a school nurse, on the implementation of seizure action plans. Training must be consistent with guidelines and best practices established by a nonprofit organization that supports the welfare of individuals with epilepsy and seizure disorders, such as the Epilepsy Alliance Ohio, Epilepsy Foundation of Ohio, or other similar organizations as determined by the Department.

Training must address the following:

1. Recognizing the signs and symptoms of a seizure;
2. Appropriate treatment for a student exhibiting the symptoms of a seizure; and
3. Administering seizure disorder drugs prescribed for the student.

The bill limits a seizure training program to one hour and qualifies the required seizure disorder training as a professional development activity for educator license renewal. If the training is provided to a district or school on portable media by a nonprofit entity, the training must be provided free of charge.

Districts and schools also must require each person employed as an administrator, guidance counselor, teacher, or bus driver to complete a minimum of one hour of self-study or in-person training on seizure disorders within 12 months after the bill's effective date. Any such individual employed after that date must complete a training within 90 days of employment.

Qualified immunity

The bill provides a qualified immunity in a civil action for money damages for a school, school district, members of a school district board or school governing authority, and a district's or school's employees for injury, death, or other loss allegedly arising from providing care or

performing duties under the bill. The immunity does not apply if any act or omission constitutes willful or wanton misconduct.

Title

The bill entitles the provisions “Sarah’s Law for Seizure Safe Schools Act.”

School district property disposal

(R.C. 3313.41 and 3313.411)

Public auction

Public notice of property sale

The bill requires a school district, when it sells real property at a public auction, to advertise the auction on a major commercial web site at least 30 days prior to the auction. This is in addition to the continuing law requirements to provide notice of the proposed sale by newspaper and other means.

Minimum acceptable bid

The bill permits a district, in an auction for real property, to set a minimum acceptable bid amount that is not greater than the property’s appraised fair market value. The district must disclose the minimum acceptable bid amount to all auction participants. The property’s fair market value must be determined by a valuation that is less than one year old, performed by an appraiser, and based on reasonable assumptions about the property’s use as a school.

Selection of winner

Finally, the bill prohibits a district from rejecting the bid of a community school, STEM school, college-preparatory boarding school, or a private person that proposes to make the property available to one of those schools, if the school or person complies with requirements for auction participants regarding proof of funds and similar matters and makes the highest bid.

Involuntary disposition of district property

The bill revises the law regarding involuntary disposition of school district property to community schools, STEM schools, and college-preparatory boarding schools. Under the involuntary disposition law, a district must offer to sell or lease its real property to those schools when that property meets the statutory definition of “unused school facilities.”

Unused school facilities

(R.C. 3313.411(A)(5))

The bill expands the statutory definition of unused school facilities to include:

- A school building used for direct academic instruction, but the district has decided to demolish in whole or in substantial part;
- A school building that a district has otherwise decided to dispose of by selling it to specified entities, such as the Adjutant General or a public university, instead of selling it at public auction;

- A school building the district has otherwise decided to exchange for other real property needed for school purposes, instead of selling it at public auction.

Under continuing law, “unused school facilities” includes any real property that has been used for school operations since July 1, 1998, but which has not been used in that capacity for one year, and any school building that has been used for direct academic instruction, but less than 60% of that building was used for that purpose in the preceding school year.

Sale or lease of unused school facilities

(R.C. 3313.411(B)(1) and (F)(3))

The bill requires a school district to offer unused school facilities for sale or lease to all community, STEM, and college-preparatory boarding schools in the state. The offer must be advertised on a major commercial real estate website for at least 60 days. The bill also provides that the offer is irrevocable for sixty days. Current law only requires a district to make that offer to community, STEM, and college-preparatory boarding schools in the district’s territory.

Sale or lease of facilities to community schools with expansion plans

(R.C. 3313.411(B)(2))

The bill requires a district offering unused school facilities for sale or lease to make an offer directly to a community school with an expansion plan stipulated in the school’s contract. The type of expansion plans that trigger this requirement are any of the following:

- Opening a new community school in the district’s territory
- Relocating the community school’s operation to the district’s territory;
- Adding facilities, to be located within the district’s territory.

A community school that receives an offer under this provision must notify the selling district’s treasurer, in writing, of an intent to purchase the property within 60 days after the district posts the offer on a major commercial real estate website.

Current law permits districts to offer unused school facilities to community schools with more limited types of expansion plans, but does not include a deadline by which interested community schools must state their intent to purchase.

Lease of facilities to high-performing community schools

(R.C. 3313.411(C)(3))

The bill eliminates the current law procedures regarding the leasing of unused school facilities when more than one high-performing community school expresses interest in the property and how a board should proceed when no high-performing community school expresses interest in leasing the property.

Challenging the appraisal

(R.C. 3313.411(C)(3) and (F)(3))

The bill provides a procedure for a community, STEM, or college-preparatory boarding school to challenge the appraised fair market value of the property for sale or lease. Within 60 days of the offer of unused school facilities is made, a school may notify the district treasurer of an intent to challenge the property's appraised fair market value. If one or more schools notify the treasurer, and no other school accepts the offer to purchase or lease, the district and schools must do as follows:

- The district must notify any school challenging the value that it has been challenged;
- Within 30 days after the notification of the challenge, the first school to challenge the value must select an appraiser to re-determine the property's fair market value;
- Within ten days after an appraiser is selected, the appraiser and the district's appraiser must confer and select third appraiser to re-determine the property's fair market value;
- Within ten days after the third appraiser is selected:
 - If all the appraisers reach a unanimous decision regarding the appraised fair market value of the property, notify the district and any school challenging the value in a timely manner of their decision;
 - If the appraisers do not agree, they must average their calculation of the fair market value, excluding any appraise with a value that is 10% higher or lower than the median fair market value among the three appraisals. The appraisers must then notify the district and the schools of the determined value.
- Once notified of the property's value, the district must then offer the property for sale or lease, at the fair market value determined by the appraisers, to any school that challenged the value. The district's offer is irrevocable for sixty days.

Following the challenge and redetermination of the property's fair market value, the process for continuing the sale is similar to that used if a challenge had not occurred:

- If, within 60 days, only one school who challenged the property's value notifies the district of an intent to purchase, the board must sell the property to that school for the value determined by the appraisers.
- If, again within 60 days, more than one school who challenged the property's value express an intent to purchase or lease to the district, the district must conduct a public auction at which only those qualified parties who challenged the value may participate. In an auction setting, the district is not obligated to accept any bid that is lower than the appraised fair market value determined by the appraiser team.

Calculation of lease price

(R.C. 3313.411(C)(4))

The bill eliminates a prohibition against a district offering a lease price that is higher than the fair market value for a leasehold on the property.

Disposition of property with no buyers

(R.C. 3313.411(C)(4))

The bill modifies the procedures if no community, STEM, or college-preparatory boarding school accepts a district's offer to sell unused school facilities. Under current law, if no school accepts the offer to buy the property, the district may offer the property to a much wider audience of possible buyers. The bill limits this procedure to sales, but not leases, of property. The bill also applies this to sales of property for which other schools challenged the property's fair market value, as described above.

Finally, the bill requires the district, if it still owns the property two years later and the property still meets the statutory definition of unused school facility, to start the involuntary disposition process over for that property.

Subsequent sale or lease of unused school facility

(R.C. 3313.411(E))

The bill modifies the limits placed on the sale of an unused school facility purchased by a community, STEM, or college-preparatory boarding school through the involuntary disposition law. First, a school is generally prohibited from re-selling the property within ten years of purchase, rather than within five years under current law. However, the bill generally retains a continuing law exception to that prohibition that allows a school to sell that property to another community, STEM, or college-preparatory boarding school within that time period.

In addition, the bill establishes a new exception to that general prohibition, under which a school may sell to another buyer who is not a community, STEM, or college-preparatory boarding school. Within ten years of the school's purchase of the property, the school may sell or lease the property to a different buyer if both:

- The potential purchaser/leaseholder arranges for the property to be used by a community, STEM, or college-preparatory boarding school for school operations; and
- The potential purchaser/leaseholder does not transfer or sell the property to an entity other than a community, STEM, or college-preparatory boarding school.

Prohibition on demolition of unused school facilities

(R.C. 3313.411(F)(1))

The bill prohibits a district from demolishing unused school facilities prior to offering the property for sale or lease through the involuntary disposition law.

Designation of unused school facilities

(R.C. 3313.411(F)(2))

Under the bill, any school building or property that is an unused school facility on or after January 1, 2023, must remain designated as an unused school facility until the district complies with the bill's provisions regarding the sale or lease of the property, unless the district has already complied with the involuntary disposition law as it existed prior to the bill's effective date.

Notification of unused school facility

(R.C. 3313.411(F)(4))

The bill permits a qualified party to notify a district treasurer if the party identifies a school building or property the party reasonably believes is an unused school facility. If the property is an unused school facility, the district is required to follow the bill's provisions for disposal.

Facilities construction projects – disposition or demolition

(R.C. 3318.08)

The bill eliminates an exception to a prohibition for the demolition of a facility to clear the site for a replacement facility included in the district's project. Under continuing law, a school district's school facilities construction project agreement with the Ohio Facilities Construction Commission must prohibit the Commission from approving a contract for the demolition of a facility until the district has complied with state law regarding the disposition of school property, including the involuntary disposition law. However, if the demolition of that facility is to clear a site for construction of a replacement facility included in the district's project, the Commission may approve the demolition without the district going through the disposition of property procedure. The bill eliminates that exception.

Cash payments for school-affiliated events

(R.C. 3313.5319)

The bill requires qualifying schools to accept cash payments for tickets and concessions at school-affiliated events.

The bill defines qualifying schools as a school district or chartered nonpublic school that elects to participate in athletic events regulated by an interscholastic conference or an organization that regulates interscholastic conferences. The bill also defines school-affiliated events as athletic events, plays, musicals, or other school-affiliated events or activities that a district or school conducts, sponsors, or participates in and for which a district or school charges admission to attend. The bill explicitly exempts events conducted in a public facility leased by a professional sports team or a privately owned facility from the cash requirement.

Regarding the sale of concessions specifically, the bill requires qualifying schools that offers concessions for sale at a school-affiliated event to provide at least one location where an individual may pay cash for concessions. If concessions are sold on multiple floors, the bill requires that at least one location on each floor accept cash payments.

Free feminine hygiene products

(R.C. 3313.6413; conforming changes in 3314.03, 3326.11, and 3328.24)

The bill requires all public and private schools that enroll girls in grades six through 12 to provide free feminine hygiene products for those students. The bill further permits schools to offer free feminine hygiene products to students below sixth grade if they so choose. Schools must determine where the products are to be kept in the school. The bill specifies that all such products are for use on school premises.

Auxiliary services personnel

(R.C. 3317.06)

The bill prohibits school districts from denying a nonpublic school's request for personnel to provide auxiliary services who are properly licensed by a state board or agency.

Auxiliary services reimbursement for educational service centers

(R.C. 3317.06)

The bill specifies that if a school district contracts with an educational service center (ESC) to provide auxiliary services, only the ESC may be reimbursed for administrative costs incurred in providing those services.

Pecuniary interest of school board members

(R.C. 3313.33)

The bill creates an additional exception to the general rule that no member of a school district or educational service center board of education may have, directly or indirectly, any pecuniary interest in any contract of the board or be employed in any manner for compensation by the board of which the person is a member.

Under the new exception, a member of the board may have a pecuniary interest in a contract of the board if the member is employed by a private institution of higher education that is contracting with the board, if other requirements are met. Consistent with the requirements of this section under continuing law, the member may not participate in any discussion or debate regarding the contract, nor may the member vote on the contract. Finally, the member is required to file with the school district treasurer an affidavit stating the member's exact employment status with the private institution of higher education.

VIII. Diplomas and graduation requirements

FAFSA graduation requirement

(R.C. 3313.618 and 3313.619)

The bill establishes a new requirement that each student must provide evidence of having completed and submitted the Free Application for Federal Student Aid (FAFSA). However, the bill exempts a student from meeting this requirement if either the student's:

1. Parent or guardian, or the student if the student is at least 18 years old, has submitted a written letter, in a manner prescribed by the Department of Education and Workforce, to the student's district or school stating the student will not complete and submit the FAFSA; or

2. District or school has made a record, in a manner prescribed by the Department, describing circumstances that make it impossible or impracticable for the student to complete the FAFSA.

Financial literacy instruction in lieu of social studies

(R.C. 3313.603)

The bill permits a student to substitute one-half unit of financial literacy instruction in lieu of one-half unit of social studies instruction to satisfy the financial literacy education curriculum requirement for graduation.

Under continuing law, a student may substitute one-half unit of financial literacy instruction for one-half unit of math or one-half unit of an elective course to satisfy the financial literacy education curriculum requirement for graduation.

Competency-based diploma pilot program

(Section 733.50)

The bill requires the Department to operate a competency-based diploma pilot program in FY 2024 and FY 2025 for students who are at least 18 years old, but under 22 years old. The pilot program must be aligned to the rules and standards prescribed for the 22+ Adult High School Diploma Program under continuing law. In addition, the bill requires the Department to issue a report on the pilot program by July 30, 2025. The report must be posted on the Department's publicly available website.

Adult Diploma Pilot Program minimum age

(R.C. 3313.902)

The bill lowers the minimum age to participate in the Adult Diploma Pilot Program from 20 to 18. The program provides job training and an alternative pathway for adults who have not received a high school diploma or certificate of high school equivalence to earn an industry-recognized credential aligned to one of Ohio's in-demand jobs and earn a state-issued high school diploma.

IX. Educator and other school employee licensing and permits

Ohio Teacher Residency Program

(R.C. 3319.223)

The bill makes changes to the three components of the Ohio Teacher Residency (OTR) program: (1) mentoring, (2) counseling, and (3) measures of appropriate progression through the program (successful completion of the Resident Educator Summative Assessment (RESA)).

Mentoring

The bill specifically permits both online and in-person mentoring to participants. It also requires the Department to provide participants and mentors with no-cost access to online professional development resources and sample videos of Ohio classroom lessons submitted for the RESA.

Counseling

The bill requires the Department to provide to each participant who does not receive a passing score on the RESA the opportunity to meet online with an instructional coach who is a certified assessor of the RESA to review the participant's results and discuss improvement strategies and professional development. These participants must receive the training at no cost.

Participants who choose to meet with an instructional coach must select from an online pool of instructional coaches who have completed training and are approved by the Department. The characteristics of each coach's school or district, including its size, typology, and demographics, must be made available. However, participants are not required to choose an instructional coach from a similar district and school.

The bill also permits participants who have not taken the RESA to meet with Department-approved coaches if the participant's district or school pays the costs associated with the meetings.

Measures of progression

Under administrative rule, participants are prohibited from attempting the RESA more than three times. The bill, however, prohibits the State Board from limiting the number of attempts participants have to successfully complete the RESA.

The bill creates a window of time within which participants may submit their RESA. Participants may send their RESA submissions to the Department between the first Tuesday of October and the first Friday of April of participants' second year in the program. The results of each RESA must be returned within 30 days after submission unless a new assessor is contracted by the Department. In that case, the results of each RESA must be returned within 45 days.

Background

The Ohio Teacher Residency program is an entry-level support program that both resident educator and alternative resident educator license holders must complete to qualify for a professional educator license. Effective in 2023, H.B. 442 of the 133rd General Assembly reduced the program from four years to two.

Alternative resident educator license

(R.C. 3319.26)

The bill reduces the length of the alternative resident educator license from four to two years and reduces the number of years that an individual must teach under the alternative resident educator license before receiving a professional educator license from four to two years. The bill also makes the alternative resident educator license renewable generally, rather than

renewable only for reasons determined by the State Board or as necessary to complete the Ohio Teacher Residency Program.

An alternative resident educator license is an entry-level license for a teacher who has not completed a traditional teacher preparation program, but who instead meets other specified education and testing requirements and agrees to complete other conditions while teaching under the license.

The bill also permits the holder of an alternative resident educator license to teach preschool students. Under current law, the State Board is required to adopt rules establishing the standards and requirements for obtaining an alternative resident educator license for teaching in grades K to 12 a designated subject area. The bill does not make changes to eligibility requirements to obtain such a license.

Conversion to alternative educator license

The bill removes participation in the Ohio Teacher Residency Program from the conditions of holding an alternative resident educator license. Instead, the bill permits the holder of an alternative resident educator license to convert that license to a renewable alternative educator license, provided the license holder (1) shows satisfactory progress in taking and successfully completing professional development provided by a teacher preparation program that has been approved by the Chancellor of Higher Education and (2) passes an assessment of professional knowledge in the second year of teaching under the alternative resident educator license.

An alternative resident educator license holder may still apply for and receive a professional educator license after completing certain prescribed requirements unchanged by the bill, including completion of the Teacher Residency Program.

Substitute teacher license

(R.C. 3319.102; Sections 107.30 and 107.31)

The bill makes permanent a provision permitting a school district, community school, STEM school, chartered nonpublic school, or educational service center to hire a substitute teacher that does not hold a post-secondary degree, provided that the teacher is of good moral character, meets the district's or school's own set of educational requirements, and passes a background check. (A similar provision of law applied for the 2021-2022, 2022-2023, and 2023-2024 school years only.) The bill also establishes a one-year temporary substitute teaching license for individuals who meet the specified criteria and requires the State Board of Education to establish procedures and criteria under which that license may be renewed.

Out-of-state teacher license

(R.C. 3319.2210)

The bill permits an applicant for a one-year nonrenewable out-of-state teaching license who passes Ohio's Foundations of Reading Exam on the first try to forgo the required completion of coursework in the teaching of reading. Continuing law, unchanged by the bill, requires an applicant for a resident educator license designated for teaching children in grades K-6 or the equivalent to have successfully completed at least six semester hours, or the equivalent, of

coursework in the teaching of reading that includes at least one separate course of at least three semester hours, or the equivalent, in the teaching of phonics in the context of reading, writing, and spelling. In addition, subsequent issuance of a professional educator license is contingent upon the applicant having completed six additional semester hours or the equivalent of coursework in the teaching of reading.

Licensure grade bands

(R.C. 3319.22)

The bill amends the grade bands for which an individual may receive a resident educator license, professional educator license, senior professional educator license, or a lead professional educator license to pre-K through 8 or grades 6 through 12. However, the bill permits a school district or community school to employ a licensed educator to teach not more than two grade levels outside of the grade band designated on that educator's license for not more than two school years at a time. The school district superintendent or community school governing authority may opt to renew the educator's eligibility to teach outside of grade band every two years.

Under current law, the grade bands for licensure are pre-K through 5, grades 4 through 9, or grades 7 through 12.

Pre-service teaching for compensation

(R.C. 3319.0812 and 3319.088; conforming changes in R.C. 3314.03 and 3326.11)

The bill creates a three-year pre-service teaching permit for student teachers. Under the permit, student teachers may substitute teach and receive compensation for it. The bill requires the State Board to adopt rules establishing a new three-year pre-service teacher permit for students enrolled in educator preparation programs. Students must obtain the permit to student teach, participate in other training experiences, and serve as substitute teachers. A permit holder may substitute teach for up to one full semester, and be compensated for that service.

The bill permits the school district or school employer to approve one or more additional subsequent semester-long period of teaching for the permit holder. It also permits the Department, on a case-by-case basis, to extend the permit's duration to enable the permit holder to complete the educator preparation program in which the permit holder is enrolled.

Applicants for a pre-service teacher permit must submit to a criminal records check and be enrolled in the retained applicant fingerprint database (RAPBACK) in the same manner as any other licensed teacher. The bill requires the Department to notify an educator preparation program if an applicant has been arrested or convicted and authorizes the school district or school to take any action prescribed by law. Upon receiving that notice, the educator preparation program must provide to the Department a list of all school districts and schools to which the pre-service teacher has been assigned as part of the program.

The bill eliminates provisions of law that conflict with the bill's changes. Namely, it eliminates the law that prohibits requiring students preparing to become licensed teachers or educational assistants from holding an educational aide permit or paraprofessional license when

they are assigned to work with a teacher in a school district. The bill also eliminates the prohibition from those students receiving compensation.

Computer science educator licensure

(R.C. 3319.22 and 3319.236; Section 610.120, amending Section 733.61 of H.B. 166 of the 133rd General Assembly)

40-hour license for industry professionals

Under continuing law, an individual generally must hold a valid license in computer science, or have a licensure endorsement in computer technology and a passing score in a computer science content exam, to teach computer science courses.

As an exception to that general requirement, the bill requires the State Board to create a teaching license for industry professionals to teach computer science courses for up to 40 hours each week. A license holder may not teach any other subject. The Superintendent of Public Instruction must consult with the Chancellor of Higher Education in revising the requirements for licensure in computer science.

Continuing law prescribes a separate exception to the general requirement. Under that exception, a school district may employ an individual who holds any valid educator license if that individual has received a supplemental teaching license in computer science. An individual qualifies for a supplemental license by passing a computer science content exam and meeting other requirements established by the State Board.

Grade band specifications

The bill requires that each license for teaching computer science specify whether the educator is licensed to teach in grades K-12, pre-K-5, 4-9, or 7-12.

Temporary exemption from licensure

The bill extends through the 2024-2025 school year an exemption that permits a public school to permit an individual who holds a valid teaching license to teach computer science in any of grades K-12, if, prior to teaching the course, the individual completes a professional development course that provides computer science content knowledge. The superintendent or principal must approve any professional development program endorsed by the College Board, the organization that creates and administers the national Advanced Placement examinations, as appropriate for the course the individual will teach. The individual may not teach a computer science course in a school district or school other than the one that employed the individual when the individual completed the professional development program. Beginning July 1, 2025, a district or school may allow an individual to teach a computer science course only if the individual satisfies the requirements of permanent law.

It also extends the grade bands for which a license holder who takes advantage of the exemption must be licensed to teach from any of grades 7-12 to any of grades K-12.

Financial literacy license validation

(R.C. 3319.238 and 3319.239)

The bill exempts all chartered nonpublic schools from the general requirement that teachers who provide high school financial literacy instruction have a financial literacy license validation. Current law exempts only chartered nonpublic schools accredited through the Independent Schools Association of the Central States (ISACS) and nonchartered nonpublic schools that do not accept students with state scholarships. The bill also disqualifies chartered nonpublic schools from receiving state reimbursement for costs associated with financial literacy license validation for teachers.

School counselor licensure

(R.C. 3319.2213)

The bill codifies the requirements currently in rule for an initial five-year professional pupil services license in school counseling.⁶⁸ Specifically, it requires an applicant to complete an approved school counselor preparation program, pass an exam prescribed by the State Board, attain a master's degree, and complete a 600-hour internship.

In addition to those requirements, the bill requires an applicant to complete six hours of training about the building and construction trades and available apprenticeships. Those six hours may count toward meeting the 600-hour internship requirement.

Under the bill, the State Board also must require an individual who holds a valid professional pupil services license in school counseling to complete four hours of training in the building and construction trades and available apprenticeships. This training may be conducted and approved by a member of the building and construction trades. Those four hours may count toward meeting continuing education unit requirements established by the State Board for licensure renewal.

The training in the building and construction trades, for both an initial license and a license renewal, must be completed at a construction site or a training facility for the building and construction trades. The training must include information about:

1. The pay and benefits available to people who work in the building and construction trades in the individual's community; and
2. Job opportunities for boilermakers, electrical workers, bricklayers, insulators, laborers, iron workers, plumbers and pipefitters, roofers, plasterers and cement masons, sheet metal workers, painters and glaziers, elevator constructors, operating engineers, teamsters, and carpenters.

⁶⁸ O.A.C. 3301-24-05(C)(1)(b).

Community school employee misconduct

(R.C. 3314.03 and 3314.104)

The bill prohibits a community school from employing a person if the State Board permanently revoked or denied the person's educator license or if the person entered into a consent agreement in which the person agreed not to apply for an educator license in the future. It also requires that each community school sponsorship contract include the same prohibition.

Private school educator certification

(R.C. 3301.071)

The bill makes explicit that the State Board must issue teaching certificates to private school administrators, supervisors, and teachers who hold master's degrees from an accredited college or university without further educational requirements. Current law already requires the same for individuals who hold bachelor's degrees.

Veterans teaching without a license

(R.C. 3319.283, 3319.074, and 3319.291; Section 265.120)

The bill expands the eligibility of veterans to teach without a license. Current law permits school districts to employ as a teacher an eligible veteran who was honorably discharged within three years of June 30, 1997, who does not hold an educator license. The veteran also must have had meaningful teaching or other instructional experience while in the armed forces and at least a bachelor's degree. The bill removes the time requirement and permits an eligible veteran to teach regardless of when the veteran was honorably discharged. The bill also permits community and STEM schools to employ eligible, unlicensed veterans to teach.

The bill requires districts and schools employing eligible veterans as teachers to subject the veterans to a criminal records check, submit the criminal records check to the Department of Education and Workforce, and register with the Department during the period in which the veteran is employed by the school district or school. The Department must use the submitted information to enroll the veteran in the Ohio Bureau of Criminal Investigation's Retained Applicant Fingerprint Database (RAPBACK) in the same manner as any licensed educator.

As with licensed educators, the Department must promptly notify the school district or school if the Department receives notification of the arrest or conviction of a veteran who is registered as a teacher. In response to the arrest or conviction notification, the Department may take any authorized action regarding licensure and investigations that the Department considers appropriate. The Department is prohibited from accepting the application of any veteran teacher if the Department learns that the veteran has pleaded guilty to, has been found guilty by a jury or court of, or has been convicted of any absolute bar offense for teaching.⁶⁹

⁶⁹ See R.C. 3319.31, not in the bill.

The bill also permits an eligible veteran to teach a core subject area. Core subject areas include reading and English language arts, mathematics, science, social studies, foreign language, and fine arts.

RAPBACK and criminal records checks

(R.C. 3319.316, 3319.391, and 3327.10)

Nonlicensed school employees

The bill requires the State Board of Education, rather than the Department on behalf of the State Board, to enroll the following individuals employed by or engaged in providing services to a school district, educational service center (ESC), or chartered nonpublic school in the Retained Applicant Fingerprint Database:

1. Any nonlicensed employee, including a bus driver;
2. Any contractor not licensed by the State Board;
3. Any contractor that holds a position that does not require a registration issued by the State Board.

The bill authorizes and requires the State Board to promptly transmit any notification received regarding a person subject to RAPBACK to the person's employer. To facilitate that process, the Bureau of Criminal Identification and Investigation (BCII) must first make the initial criminal records check requested by an employer available to the State Board. The bill requires the State Board to use that information to enroll the person in RAPBACK in the same manner as all other licensed teachers. If the State Board is unable to enroll the person because the person has not satisfied enrollment requirements, the State Board must notify the employer of the person's failure to satisfy those requirements. BCI is not required to make available to the State Board the records check of anyone who is already enrolled in RAPBACK on the date the person's employer requests a records check. The bill requires the State Board to inform the employer of any arrest, guilty plea or conviction of any person subject to the bill's RAPBACK provisions.

The bill requires that when the most recent criminal records check requested for a person subject to the bill's RAPBACK provisions was completed more than one year prior to the date of the most recent request, or if the records check does not include adequate information, the employer must request a new criminal records check that includes all required information, by a date prescribed by the State Board and every six years thereafter.

School volunteers

The bill specifically excludes from RAPBACK enrollment and criminal records checks any person who volunteers at a school building within a district, ESC, or chartered nonpublic school, including a parent volunteer in a student's classroom.

Background

When a person applies to the State Board of Education for issuance of an educator license or permit, the State Board must request a criminal records check that includes information from both the state Bureau of Criminal Identification and Investigation (BCII) and the Federal Bureau

of Investigation (FBI).⁷⁰ Additionally, when a person applies for renewal of an educator license or permit, the person generally must undergo a new criminal records check.

In addition to submitting to criminal records checks, each licensed Ohio educator is required by state law to be enrolled in a system called RAPBACK, an Ohio database that gives the Department of Education daily updates on any new criminal charges, arrests, or convictions of licensed educators. Educators must disclose any past professional discipline of any professional certificates, licenses, registrations or permits. This could include discipline on a nursing, law, education or other type of license from Ohio or any other state.

Educators must disclose all their criminal convictions on every licensure application and renewal submitted to the Department, even if the educator has reported the information on a previous application.

X. Student performance data

Online high school graduation rates

(R.C. 3302.0310)

The bill requires the Department to include a modified graduation rate measure on the state report card issued for an online high school operated by a school district or an internet- or computer-based community school (“e-school”), including dropout prevention and recovery schools. However, the modified graduation rate is a performance measure without an assigned performance rating, meaning the graduation rate is used as an indicator of the school’s performance but is not factored into the school’s report card rating.

The modified graduation rate is calculated in the same manner as the four-year adjusted cohort graduation rate, except that it only includes students who are deemed “graduation eligible students.” Graduation eligible students are students who, when enrolling in the school for the first time, are in the twelfth grade and have earned at least 15 high school credits. The modified calculation does not include students who are automatically withdrawn from the online school due to an unexcused failure to participate in learning opportunities for 72 consecutive hours and who do not re-enroll in a school from the modified graduation rate’s calculation.

Except as required by federal law, the Department must report the modified graduation rate as data without an assigned performance rating beginning with the report card for the 2023-2024 school year.

Individual student performance reports on value-added data

(R.C. 3302.021)

The bill requires the Department to make individual student performance data reports available to districts and schools that have an overall value-added progress dimension score calculated on the state report card. The reports must include data regarding student level percentiles, normal curve equivalents, unique identifiers, and other data each school year that a

⁷⁰ R.C. 3319.291, not in the bill.

district or school has an overall value-added progress dimension score calculated. The bill also requires the Department to make available the data used to calculate the district's or school's overall growth rating. The reports must be made available in an electronic spreadsheet form, as soon as practicable each school year. Finally, the bill explicitly subjects the data sharing requirements to state and federal student privacy laws.

Under continuing law, the value-added progress dimension is a measure of academic gain for a student or group of students over a specific period of time that is calculated by applying a statistical methodology to individual student achievement data derived from the achievement assessments. The overall value-added progress dimension score is used to determine a school's Progress component on the state report card.

Report of state assessment scores

(R.C. 3313.6029; conforming changes in R.C. 3314.03, 3326.11, and 3328.24)

The bill requires each public and chartered nonpublic school, by June 30 of each school year, to provide a student's parent with the student's score on any state assessment administered to the student in that year. Specifically, the school must mail or email the scores to the parent or post them in an accessible portal on the school's website.

XI. Career-technical education

Career-technical cooperative education districts

(R.C. 3313.831, 5705.2114, and 5705.01)

Establishment and purpose

The bill authorizes the boards of education of two or more city, local, or exempted village school districts, by adopting identical resolutions, to enter into an agreement to create a career-technical cooperative education district ("cooperative district"). The purpose of a cooperative district is to fund and provide students enrolled in grades 7-12 in member districts with a career-technical education adequate to prepare them for an occupation.

A cooperative district is not a joint vocational school district. Rather, it must be considered a career-technical education compact for the purposes of state education law. The cooperative district must be a lead district of a career-technical planning district and provide career-technical education leadership to its member districts. The Department of Education and Workforce must create an internal retrieval number for the cooperative district.

An agreement establishing a cooperative district ("district agreement") may be amended under terms and procedures mutually agreed to by member districts. A cooperative district's territory is composed of the combined territories of its member districts. Services funded by a cooperative district must be available to all individuals enrolled in member districts.

Governance

Board of directors

Each cooperative district is governed by a board of directors. The superintendent of each member district must serve on the board of directors. The board of directors is a public body for

the purposes of Ohio's open meetings law. Its records and the cooperative district's records are public records. The cooperative district is a public office and its directors are public officials with respect to the Ohio law that grants the Auditor of State authority to conduct audits of public offices. The district is also a political subdivision for the purposes of state law governing political subdivision tort liability.

The board of directors is a body corporate and politic. The board of directors is capable of suing and being sued, contracting within the limits of the provision and the district agreement, and accepting gifts, donations, bequests, or other grants of money.

Directors cannot receive compensation, but must be reimbursed for reasonable and necessary expenses incurred in the performance of their duties of the cooperative district. The district agreement must provide for the terms of office of directors, the conduct of the board's initial organizational meeting, the frequency of subsequent meetings, and quorum requirements. The board of directors, at its first meeting, must designate from among its members a president and secretary, in a manner provide in the district agreement.

The district agreement must require the board of directors to designate a permanent location for its office and meeting place. The agreement also may provide for the use of facilities and property for the provision of services by the agencies with which the board of directors contracts to provide services.

Fiscal officer

The district agreement must provide for the manner of appointment of an individual or entity to perform the duties of fiscal officer for the cooperative district. The agreement must specify the length of time an individual or entity must perform those duties and whether the individual or entity may be reappointed upon completion of a term. The fiscal officer may receive compensation for performing those duties and be reimbursed for reasonable expenses related to performing those duties from the cooperative district's special fund.

Legal adviser

The prosecuting attorney of the most populous county containing a cooperative district's member district must serve as the cooperative district's legal adviser. The prosecuting attorney must prosecute all actions against a member of the board of directors for malfeasance or misfeasance in office. Additionally, the prosecuting attorney must be legal counsel for the board of directors and its members in all other actions brought by or against them and conduct those actions in the prosecuting attorney official capacity. A prosecuting attorney cannot receive compensation in addition to the prosecuting attorney's regular salary.

Insurance

The board of directors of a cooperative district must procure a policy or policies of insurance insuring the board, its fiscal officer, and its legal representative against liability on account of damage or injury to persons and property. Before procuring such insurance, the board of directors must adopt a resolution setting forth the amount of insurance to be purchased, the necessity of the insurance, and a statement of its estimated premium cost. The procured

insurance must be from one or more recognized insurance companies authorized to do business in Ohio. The cost of the insurance must be paid from the district's special fund.

Career-technical education services

To provide career-technical education services, the board of directors of a cooperative district must provide for the hiring of employees or contract with one or more entities, including a cooperative district's member district, an educational service center, or a state institution of higher education. The district agreement must:

1. Provide for the distribution of services provided by the cooperative district and a resident district. The agreement must specify which services will be provided by the employees of member districts and which will be provided by the cooperative district.

2. Include a statement of how transportation of students to and from school will be provided by the cooperative district. The statement must include at least both of the following:

- a. How special education students will be transported as required by their individualized education program; and

- b. Whether the transportation to and from school will be provided to any other students of the cooperative district and, if so, the manner in which transportation will be provided.

Funding

In addition to its authority to accept gifts, donations, bequests, and other grants of money, the bill authorizes a cooperative district to levy voter-approved property taxes throughout the district. To do so, a majority of the boards of education of the school districts that make up the district must approve of the levy proposal before the board of directors may adopt a resolution to submit the question to the voters. The question may be submitted at a general or primary election at least 90 days after the resolution is certified to the county board of elections. The resolution must specify the rate or amount of the tax, up to three mills, and either the number of years that the tax will be levied or that the tax will be levied for a continuing period of time. The tax may be renewed by and must otherwise follow procedures applicable to other, similar tax levies. The board of directors must create a special fund to hold the proceeds of its property tax levy and its gifts, donations, bequests, and other grants.

The bill also requires the Department to compute and make payments to a cooperative district in the same manner as it makes payments to a lead district of a career-technical planning district.

Addition of a new member district

The board of education of a school district may join an existing cooperative district by adopting a resolution requesting to join and upon approval by the boards of education of current member districts. If the cooperative district has levied a property tax in the district, a board of education may join the district only after a majority of qualified electors in the school district voting on the question vote in favor of levying the tax throughout the district. A board of education joining an existing cooperative district must have the same powers, rights, and obligations under the district agreement as other member districts.

Withdrawal of a member district

The bill permits the board of education of a member district to withdraw that district from a cooperative district by adopting a resolution. The resolution must take effect on the date provided in the resolution. If a property tax is levied on the cooperative district, the resolution must take effect no later than the first day of January following the resolution's adoption. Beginning with the first day of January following the resolution's adoption, any property tax levied by the cooperative district cannot be levied in the withdrawing district.

Any tax collected in the territory of the withdrawing district that has not been settled and distributed when the resolution takes effect must be credited to the district's special fund.

Dissolution of a cooperative district

A district agreement must provide for the manner of the cooperative district's dissolution. The cooperative district must cease to exist when no more than one member district remains in the district and the property tax levied cannot be extended beginning the year after the district's dissolution. The district agreement must provide that, upon dissolution of the district, an unexpended balance in the district's special fund must be divided among the member districts party to the agreement immediately before dissolution of the district, in proportion to the taxable valuation of the taxable property in the member districts, and credited to their respective general funds.

Courses at Ohio Technical Centers

(R.C. 3313.901)

Upon approval by the Department, the bill permits school districts to contract with an Ohio Technical Center (OTC) to serve students in grades 7-12 who are enrolled in a career-technical education program at the district but cannot enroll in a course at the district due to one of the following reasons:

1. The course is at capacity and cannot serve all students who want to enroll in the course.
2. The student has a scheduling conflict that prevents the student from taking the course at the time offered by the district.
3. The district does not offer the course due to lack of enrollment, lack of a qualified teacher, or lack of facilities.
4. Any other reason determined by the Department.

Districts must apply to the Department for approval to contract with an OTC by submitting a plan describing how the district and the OTC will establish a collaborative partnership to provide career-technical education to students.

The bill also requires a district approved by the Department to do all of the following:

1. Award a student high school credit for completion of a course at an OTC;
2. Report students taking classes at OTCs to the education management information system (EMIS) as enrolled for the time the student is taking a course at an OTC indicating as such. However, the bill prohibits the district from counting a student taking a course at an OTC as more

than one full-time equivalent student, unless the student is enrolled full-time in the district during the regularly scheduled school day and takes the course at the OTC during time outside of normal school hours;

3. Pay to the OTC, per student, the lesser of the standard tuition charged for the course at the OTC or one of the following:

a. If the OTC is located on the same campus as the student's high school, the statewide average base cost per pupil and the amount applicable to the student for the portion of the full-time equivalency the student is enrolled in the course, without applying the district's state share percentage; or

b. If the OTC is not located on the same campus as the student's high school, \$7,500.

The bill permits a district and an OTC to enter into an agreement to establish alternate amounts that the district must pay to the OTC.

Under the bill, districts may use career-technical education funds to pay for any costs incurred by students enrolling in courses at an OTC. Further, the Department must consider the cost of student OTC enrollment as an approved career-technical education expense. Finally, the bill permits an individual who holds an adult education permit issued by the State Board and is employed by an OTC to provide instruction to a student in grades 7-12 enrolled in a course at an OTC.

OTCs are career-technical centers and schools that provide adult education and are recognized as such by the Chancellor of Higher Education. There are currently 49 OTCs in the state.⁷¹

XII. Other

English learners

(R.C. 3301.0711, 3301.0731, and 3302.03; conforming in R.C. 3313.61, 3313.611, 3313.612, and 3317.016)

The bill eliminates an exemption that excused English learners who have been enrolled in a school in the United States for less than a full school year from being required to take any reading, writing, or English language arts assessment. The bill maintains an exemption for English learners who have been enrolled in a U.S. school for less than two years and for whom no appropriate accommodations are available.

The bill also eliminates an exemption that excluded, except as required by federal law, English learners who have been enrolled in a U.S. school for less than one school year from state report card performance measures. It requires English learners to be included on the state report card in accordance with the state's federally approved plan to comply with federal law.

Finally, the bill requires the State Board to adopt rules regarding the identification, instruction, assessment, and reclassification of English learners. The rules must conform to the

⁷¹ See the [Ohio Technical Centers](http://ohiotechnicalcenters.com) website at ohiotechnicalcenters.com for more information.

Department's plan, as approved by the U.S. Secretary of Education, to comply with the federal "Elementary and Secondary Education Act of 1965."

School emergency management plans

(R.C. 5502.262)

The bill clarifies that all records *related to* a school's emergency management plan and emergency management tests are security records and are not subject to Ohio's public records laws. Current law specifies that copies of the emergency management plan and all of the following information incorporated into the plan are security records and are not subject to Ohio's public records laws:

1. Protocols for addressing serious threats to the safety of property, students, employees, or administrators;
2. Protocols for responding to any emergency events that occur and compromise the safety of property, students, employees, or administrators;
3. A threat assessment plan;
4. Protocols for school threat assessment teams; and
5. Information posted to the Contact and Information Management System.

The bill extends the deadline for a school administrator to submit the school district's or school's annual emergency management plan to the Director of Public Safety from July 1 to September 1.

Literacy improvement grants

(Section 265.330)

Professional development stipends

The bill requires the Department to use up to \$43 million from funds appropriated for literacy improvement in each fiscal year to reimburse school districts, community schools, and STEM schools for stipends for teachers to complete professional development in the science of reading and evidence-based strategies for effective literacy instruction. It requires the Department to provide the professional development courses.

Under the bill, district and schools must require all teachers and administrators to complete a course provided by the Department, not later than June 30, 2025, except that any teacher or administrator who has previously completed similar training, need not complete the course. Teachers must complete the course at a time that minimizes disruptions to normal instructional hours. Teachers and administrators must complete the professional development course as follows:

1. First, all of the following:
 - a. All teachers of grades K through 5;
 - b. All English language arts teachers of grades 6 through 12;

c. All intervention specialists, English learner teachers, reading specialists, and instructional coaches who serve any of grades pre-K through 12.

2. Second, all teachers who teach a subject area other than English language arts in grades 6 through 12;

3. Third, all administrators.

The bill requires each district and school to pay a stipend to each teacher who completes a professional development course. The stipend must be \$1,200 for each individual listed under (1) and \$400 for each individual listed under (2). Each district and school may apply to the Department for reimbursement of the cost of the stipends. The bill prohibits the Department from providing reimbursement to an administrator to complete a professional development course.

The bill further requires the Department to work with the Department of Higher Education, institutions of higher education that offer educator preparation programs, and local professional development committees, to help teachers and administrators who complete a professional development course to earn college credit or to apply the coursework towards licensure renewal requirements. Additionally, the Department must collaborate with the Department of Higher Education, and institutions of higher education that offer educator preparation programs to align the coursework of the programs with the science of reading and evidence-based strategies for effective literacy instruction.

Subsidies for core curriculum and instructional materials

The bill requires the Department to use up to \$64 million from funds appropriated for literacy improvement to subsidize the cost for school districts, community schools, and STEM schools to purchase high-quality core curriculum and instructional materials in English language arts and evidence-based reading intervention programs from the lists established by the Department.

Further, the Department must conduct a survey to collect information on the core curriculum and instructional materials in English language arts in grades pre-K through 5 and the reading intervention programs in grades pre-K through 12 that are being used by public schools. Each school district, community school, and STEM school must participate in the survey and provide the information requested by the Department.

Literacy supports coaches

The bill requires the Department to use up to \$6 million in FY 2024 and up to \$12 million in FY 2025 from funds appropriated for literacy improvement for coaches to provide literacy supports to school districts, community schools, and STEM schools with the lowest rates of proficiency in literacy based on their performance on the English language arts assessments. These coaches must have training in the science of reading and evidence-based strategies for effective literacy instruction and intervention and must implement “Ohio’s Coaching Model,” as described in Ohio’s Plan to Raise Literacy Achievement. The coaches will be under the direction of, but not employed by, the Department.

Early literacy activities

The bill requires the Department to support early literacy activities to align state, local, and federal efforts in order to bolster all students' reading success. The Department must distribute these funds to educational service centers (ESCs) to establish and support regional literacy professional development teams consistent with current law requirements. A portion of the funds may be used by the Department for program administration, monitoring, technical assistance, support, research, and evaluation.

Literacy instructional materials

(R.C. 3313.6028)

The bill requires the Department to compile a list of high-quality core curriculum and instructional materials in English language arts and a list of evidence-based reading intervention programs that are aligned with the science of reading and strategies for effective literacy instruction.

The bill defines the "science of reading" to mean an interdisciplinary body of scientific evidence that meets all of the following conditions:

1. Informs how students learn to read and write proficiently;
2. Explains why some students have difficulty with reading and writing;
3. Indicates that all students benefit from explicit and systematic instruction in phonemic awareness, phonics, vocabulary, fluency, comprehension, and writing to become effective readers;
4. Does not rely on any model of teaching students to read based on meaning, structure and syntax, and visual cues, including a three-cueing approach.

Beginning not later than the 2024-2025 school year, each school district, community school, and STEM school must use core curriculum, instructional materials, and intervention programs only from the lists compiled by the Department.

The bill prohibits a district or school from using the "three-cueing approach" to teach students to read unless that district or school receives a waiver from the Department permitting them to do so. The bill defines "three-cueing approach" as any model of teaching students to read based on meaning, structure and syntax, and visual cues.

The bill further permits a district or school to apply for a waiver on an individual student basis to use curriculum, materials or an intervention program that uses the "three-cueing approach." However, students who have an individualized education program (IEP) that explicitly indicates use of the three-cueing approach and students who have a reading improvement and monitoring plan under the Third Grade Reading Guarantee do not need a waiver to receive instruction in the "three-cueing approach."

Prior to approval of a waiver, the Department must consider that district or school's performance on the state report card, including its score on the early literacy component.

Professional development

The bill requires the Department to identify vendors that provide professional development to educators, including pre-service teachers and faculty employed by educator preparation programs, on the use of high-quality core curriculum, instructional materials, and reading intervention programs from the list compiled by the Department that are aligned with the science of reading and strategies for effective literacy instruction.

The bill further requires a professional development committee to qualify any completed professional development coursework in literacy instruction provided by a vendor identified by the Department and coursework completed through literacy improvement stipends paid to teachers for professional development in the science of reading and evidence-based strategies for effective literacy instruction to count toward professional development coursework requirements for teacher licensure renewal. Each committee must permit a teacher roll over to the next licensure renewal period any hours earned over the minimum amount required for professional development coursework related to literacy.

Phonics standards

The bill expands from kindergarten through three to kindergarten through five the grades for which the State Board of Education must prescribe standards for the teaching of phonics. The bill commensurately expands the grade bands for which the State Board must provide in-service training programs for teachers on the use of phonics as a technique in the teaching of reading.

EMIS reporting of literacy instructional materials

(R.C. 3301.0714)

The bill requires each district and school to report to the education management information system (EMIS) the English language arts curriculum and instructional materials it is using for each of grades pre-K-5 and the reading intervention programs being used in each of grades pre-K-12.

JCARR review of changes regarding community schools

(R.C. 3301.85)

The bill requires the Department of Education and Workforce to submit to the Joint Committee on Agency Rule Review (JCARR) any proposed changes to the Education Management Information System (EMIS) or the Department's "business rules and policies" that may affect community schools. Once submitted, JCARR must hold public hearings regarding the changes, consider testimony, and vote to determine whether community schools can reasonably comply with those changes.

The bill also prohibits the Department from implementing any changes to EMIS or its business rules and policies that may affect community schools unless and until JCARR issues a determination that community schools can reasonably comply with the proposed changes.

Quality Community and Independent STEM School Support Program

(Sections 265.430, 265.431, and 265.432)

Continuation

The bill continues the Quality Community School Support Program. Under the program, the Department must pay each community school that is designated as a “Community School of Quality” up to \$3,000 per fiscal year for each student identified as economically disadvantaged and up to \$2,250 per fiscal year for each student who is not identified as economically disadvantaged.

However the bill changes the payment determination for a fiscal year based on current student enrollment instead of the final adjusted enrollment for the prior fiscal year. The bill also designates the Controlling Board, rather than the Director of Budget and Management, as the entity responsible for authorizing expenditures in excess of amounts appropriated under the program.

“Community School of Quality” designation

Under the bill, to be a “Community School of Quality,” the community school must meet at least one of the following sets of conditions:

1. The community school meets all of the following:
 - a. The school’s sponsor was rated “exemplary” or “effective” on its most recent evaluation;
 - b. The school received a higher performance index score than the school district in which it is located on the two most recent report cards issued;
 - c. The school either:
 - i. Received a performance rating of four stars or higher for the value-added progress dimension on its most recent report card; or
 - ii. Is a school where a majority of its students are either enrolled in a dropout prevention and recovery program operated by the school or are children with disabilities receiving special education and related services, and the school did not receive a rating for the value-added progress dimension on the most recent report card; and
 - d. At least 50% of the students enrolled in the school are economically disadvantaged, as determined by the Department.
2. The community school meets all of the following:
 - a. The school’s sponsor was rated “exemplary” or “effective” on its most recent evaluation;
 - b. The school is either:
 - i. In its first year of operation; or

- ii. Opened as a kindergarten school, has added one grade per year, and has been in operation for less than four school years;
 - c. The school is replicating an operational and instructional model used by a community school that qualifies as a Community School of Quality under the first set of conditions; and
 - d. If the school has an operator, its operator received a “C” or better on its most recent performance report.
3. The community school meets all of the following:
- a. The school’s sponsor was rated “exemplary” or “effective” on its most recent evaluation;
 - b. The school satisfies either of the following:
 - (i) The school contracts with an operator that operates schools in other states and meets at least one of the following:
 - (I) The operator has operated a school that received a grant funded through the federal Charter School Program established under 20 U.S.C. 7221 within the five years prior to the date of application or receiving funding from the Charter School Growth Fund;
 - (II) The operator meets all of the following:
 - One of the operator’s schools in another state performed better than the school district in which the school is located, as determined by the Department;
 - At least 50% of the total number of students enrolled in all of the operator’s schools are economically disadvantaged, as determined by the Department;
 - The operator is in good standing in all states where it operates schools, as determined by the Department; and
 - The Department has determined that the operator does not have any financial viability issues that would prevent it from effectively operating a community school in Ohio; and
 - (ii) The school is in its first year of operation.

A school that is designated as a Community School of Quality maintains that designation for the two fiscal years following the fiscal year it is designated. Such a school may also seek to renew its designation each year, which extends the designation for the two fiscal years following the renewal. Schools that were designated as a Community School of Quality based on the report cards issued for the 2017-2018 and 2018-2019 school years may renew their designation in this manner. Furthermore, a school that was designated as a Community School of Quality for the first time for the 2022-2023 school year maintains that designation through the 2027-2028 school year and may renew its designation each year.

Merged community schools

The bill specifically qualifies for the program the surviving community school of a merger that takes place on or after June 30, 2022, provided it otherwise qualifies as a Community School of Quality under one of the sets of criteria described above. Payment for these schools is calculated using the adjusted full-time equivalent number of students enrolled in the school for the fiscal year as of the date the payment is made, as reported by the surviving community school, regardless of whether those students were previously enrolled in a community school that was dissolved as part of the merger.

Finally, the bill qualifies a school dissolved under the merger that otherwise qualified for the program to receive and retain funds received under the program prior to the bill's effective date.

Expansion to include independent STEM schools

The bill expands the Quality Community Schools Support program to include a STEM school that:

1. Operates autonomously;
2. Does not have a STEM school equivalent designation;
3. Is not governed by a school district;
4. Is not a community school;
5. Cannot levy taxes or issue tax-secured bonds;
6. Satisfies continuing law requirements for STEM schools; and
7. Satisfies the requirements described in the Quality Model for STEM and STEAM Schools established by the Department.

Innovative Pilot Program waivers

The bill prohibits waivers of the requirements associated with blended learning or operating an online learning school as part of an Innovative Education Pilot Program. Under continuing law, a school district, ESC, or chartered nonpublic school may submit an application to the State Board of Education proposing an Innovative Education Pilot Program, the implementation of which requires exemptions from specific statutory provisions and rules.

High-performing vulnerable student study

(Section 733.40)

The bill requires the Department to contract with a third party to conduct a study of schools that serve sizable populations of vulnerable students and demonstrate high performance. For purposes of the study, the vulnerable students may include students who are economically disadvantaged, English learners, students with disabilities, highly mobile students, or students who are otherwise considered vulnerable by the Department.

The bill requires the Department to include in the study, to the extent possible, schools representing different typologies, regions of the state, and grade levels. Upon completion of the

study, the bill requires the Department to develop an informational guide based on the study's results with best practices and to share the guide with school districts.

Academic distress commissions

Moratorium

(Section 265.540)

The bill prohibits the state Superintendent from establishing any new academic distress commissions (ADCs) for the 2023-2024 and 2024-2025 school years. Otherwise, under continuing law, the state Superintendent must establish an ADC for certain school districts with persistently low academic performance to guide actions to improve their performance. That law requires each ADC to appoint a chief executive officer (CEO) who has substantial powers to manage the operation of a qualifying district and prescribes progressive consequences for the district, including possible changes to collective bargaining agreements and eventual mayoral appointment of the district board.⁷²

H.B. 110 of the 134th General Assembly established a moratorium on the establishment of new ADCs for the 2021-2022 and 2022-2023 school years, which the bill extends. H.B. 110 also established a process by which school districts subject to an existing ADC may make an early transition out of ADC oversight prior to meeting the conditions for transitioning out of the oversight of an ADC. For a detailed description of this process, see the LSC's Final Analysis for H.B. 110.⁷³

Lorain City School District

(R.C. 3302.111)

The bill dissolves the Lorain City School District academic distress commission (ADC) and academic improvement plan immediately following the bill's effective date. It requires that upon dissolution of the ADC, the chief executive officer relinquish management and control of the school district to the district board of education and the district superintendent.

The Lorain City School districts has been subject to an ADC since 2013.

State share of local property taxes in five-year forecasts

(R.C. 5705.391)

Beginning with FY 2024, the bill requires the Department and Auditor of State to label the property tax allocation projections in a school district's five-year forecast as the "state share of local property taxes."

⁷² R.C. 3302.10, not in the bill.

⁷³ See [H.B. 110 of the 134th General Assembly Final Analysis \(PDF\)](#) at pp. 211-213, available at: legislature.ohio.gov.

Each fiscal year a school district must submit a five-year projection of its operational revenues and expenditures to the Department and Auditor of State. The property tax allocation projection accounts for the reimbursements a district may receive from the state for property tax rollbacks, the homestead exemption, and tangible personal property tax losses.⁷⁴

State Report Card Review Committee

(R.C. 3302.039)

The bill eliminates the State Report Card Review Committee which is required to be established on July 1, 2023. Accordingly, the bill also eliminates the requirement that the Committee conduct a study of the state report card and submit a report by June 30, 2024, with its findings and recommendations for improvements, corrections, and clarifications to the state report card.

Private before and after school care programs – licensure

(R.C. 3301.52, 3301.57, and 3301.58)

At present, before and after school child care programs must be licensed as child care by the Department of Job and Family Services; however school child programs subject to licensure by the Department of Education are exempt.⁷⁵ The bill allows an “authorized private before and after school care program” to obtain from the Department of Education and Workforce a school child program license. Current law authorizes each of the following entities to obtain such a license: a school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school.

Under the bill, an authorized private before and after school care program is a child care program operated only for school children that is all of the following:

- Operated by a nonprofit or for-profit private entity;
- Operated under a contract with a school district board of education, community school, or eligible nonpublic school;
- Conducted only outside of school hours and in a building owned or operated by the contracting board or school.

⁷⁴ See [How to Read a Five-Year Forecast \(PDF\)](#), available at the Department’s website: education.ohio.gov.

⁷⁵ R.C. 5104.02(B)(6).