
DEPARTMENT OF EDUCATION

I. School finance

Funding for FY 2022 and FY 2023

- Requires the Department of Education to pay each city, local, exempted village, and joint vocational school district for each of FY 2022 and FY 2023 an amount equal to the district's payments for FY 2019.
- Requires the Department to make an additional payment to each city, local, or exempted village school district, with at least 50 enrolled students, that experiences an average annual percentage change in its enrollment between FY 2016 and FY 2019 that is greater than zero.
- Requires the Department, for each student enrolled in a community school or STEM school, to deduct from the amount computed for the student's resident district and pay to the school the amount prescribed by continuing law.
- Specifies that, for purposes of computing other payments for FY 2022 and FY 2023 for which a district's "state share index" or "state share percentage" is a factor, the Department must use the state share index or state share percentage computed for the district for FY 2019.
- Specifies that, for purposes of open enrollment, College Credit Plus, and any other payments for which the "formula amount" is used, the formula amount for FY 2022 and FY 2023 equals the formula amount for FY 2019 (\$6,020).

Student wellness and success funding

- Requires student wellness and success funds and enhancement funds to be paid to city, local, exempted village, and joint vocational school districts, community schools, and STEM schools for FY 2022 and FY 2023 in a manner similar to how they were paid for in FY 2020 and FY 2021.
- Requires the Department to calculate a district's or school's student wellness and success funds and enhancement funds for both FY 2022 and FY 2023 using the number of students enrolled in the district or school for FY 2022.
- Requires the Department to use the five-year estimates published by the U.S. Census Bureau in the 2015-2019 American Community Survey (rather than the most recent American Community Survey as under current law) for calculating student wellness and success fund payments.
- Increases the per-pupil amounts used to calculate student wellness and success funds for city, local, and exempted village school districts.
- Uses a multiplier of \$75 for both FY 2022 and FY 2023 (which is the multiplier for FY 2021 under current law) for calculating student wellness and success enhancement funds for city, local, and exempted village school districts.

- Increases the minimum payment of student wellness and success funds that each school district, community school that is not an e-school, and STEM school must receive to \$45,720 for FY 2022 and \$56,160 for FY 2023 (from \$25,000 for FY 2020 and \$36,000 for FY 2021).
- Increases the amount of student wellness and success funds that must be paid to each e-school to \$45,720 for FY 2022 and \$56,160 for FY 2023 (from \$25,000 for FY 2020 and \$36,000 for FY 2021).
- Guarantees that each district and school receives the same amount of student wellness and success funds and enhancement funds for FY 2022 and FY 2023 that it received for the previous fiscal year.
- Requires the Department, after all student wellness and success payments for FY 2022 and FY 2023 have been made to public schools, to distribute any appropriated amounts remaining for these payments through a methodology determined by the Department in consultation with the Office of Budget and Management (OBM).
- Adds to the initiatives for spending student wellness and success funds and enhancement funds: telehealth services (as part of mental and physical health services); culturally appropriate, evidence-based or evidence-informed prevention education; and programs that connect students to community resources.
- Removes the authority for districts and schools to spend student wellness and success funds and enhancement funds for professional development regarding the provision of trauma-informed care and professional development regarding cultural competencies.
- Requires districts and schools to spend student wellness and success funds and enhancement funds in coordination with two community partners, rather than one as under current law.
- Requires districts and schools to satisfy the bill's requirements for all student wellness and success funds and enhancement funds spent after the bill's changes take effect, including funds paid to districts or schools for FY 2020 and FY 2021 that are spent after that date.

Funding adjustment for career-technical education

- Requires the Department to adjust the amounts paid to certain school districts for FY 2022 and FY 2023 to account for the decrease in career-technical education students served by a city, local, or exempted village school district and the corresponding increase in students served by a joint vocational school district beginning in FY 2020.

Payment for districts with decreases in utility TPP value

- Requires the Department to make a payment, for FY 2022 and FY 2023, to each city, local, exempted village, or joint vocational school district with more than a 10% decrease in the taxable value of utility tangible personal property (TPP) that has at least one power plant located within its territory.

Payment for school district with nuclear plant in its territory

- Repeals the requirement that the Department, for each of FYs 2019, 2020, and 2021, make an additional payment to a city, local, or exempted village school district with (1) a nuclear power plant in its territory and (2) a total taxable value of public utility personal property for tax year 2017 that is at least 50% less than that value for tax year 2016.

Recommendations for compensating valuation losses

- Eliminates the requirement that the Department annually recommend to the General Assembly a structure to compensate each school district that experiences at least a 50% decrease in public utility personal property valuation from one year to the next for a percentage of the effect that decrease has on the district's state funding.

Student transportation funding – qualifying ridership

- Specifies that a city, local, or exempted village school district's "qualifying ridership" means the greater of the average number of qualifying riders counted in the morning or counted in the afternoon who are provided school bus service by a school district during the first full week of October that the district is in session with students in attendance.
- Extends the deadline for each district's annual report to the Department of its qualifying ridership to November 1, from October 15.

Auxiliary Services funds

- Permits a religiously affiliated chartered nonpublic school to receive Auxiliary Services funds directly in the same manner as offered to nonreligious chartered nonpublic schools under continuing law.

II. Graduation requirements and assessment

High school graduation requirements

- Requires all public and chartered nonpublic school students to complete the Free Application for Federal Student (FAFSA) aid in order to qualify for a high school diploma, unless an exception applies.
- Requires the Superintendent of Public Instruction's industry-recognized credentials and licenses committee to assign a point value for each credential and to establish the total number of points necessary to satisfy certain high school graduation requirements.
- Permits a student who obtains a state-issued license for practice in a vocation that requires an examination to use that license as a foundational option when using alternative demonstrations of competency and to qualify for an industry-recognized credential state diploma seal.
- Exempts students enrolled in chartered nonpublic schools from certain graduation requirements if, instead of the end-of-course exams, their schools administer a nationally standardized assessment (ACT or SAT) or an alternative assessment to meet state testing requirements.

- Specifies how a public or chartered nonpublic school must address any progress a transfer student made toward earning a locally defined diploma seal at another public or chartered nonpublic school in Ohio.
- Requires transfer students who, in the prior school year, were homeschooled or attended an out-of-state or nonchartered, nonpublic school to generally comply with the high school graduation requirements prescribed under continuing law, but prescribes certain exemptions for them.
- Exempts a student with an individualized education program (IEP) from the requirement to demonstrate competency in math and English language arts if the student’s IEP expressly exempts them from that requirement and the student satisfies certain additional conditions.
- Permits a student to use a remediation-free score on a nationally standardized assessment (ACT or SAT) as an alternative demonstration of competency.
- Clarifies and modifies the “foundational” options a student may use as part of an alternative demonstration of competency.
- Expands the number of conditions a student may satisfy to earn a Citizenship diploma seal or a science diploma seal.

Dyslexia diagnostic assessments

- Except for the kindergarten readiness assessment, requires that diagnostic assessments for grades K-3 and any comparable reading skills assessment for the Third Grade Reading Guarantee include items related to the identification of students with dyslexia.
- Requires test vendors to share student performance data on comparable tools with public schools, chartered nonpublic schools, and the Department.
- Specifies that any assessment that incorporates comparable tools may be used to meet current law requirements related to the administration of a tier one dyslexia screening.

Kindergarten Readiness and reading skills assessment

- Adjusts the period of time in which a school must administer the Kindergarten Readiness Assessment and the kindergarten reading skills assessment to July 1 through the 20th day of instruction.

III. Educator licensure

Disciplinary actions for educator licenses

- Eliminates a provision prohibiting the State Board of Education from refusing to issue a license because of a criminal record unless the refusal is in accord with the limits and requirements that were recently enacted by H.B. 263 of the 133rd General Assembly.
- Specifies that the amendments to teacher licensure disciplinary actions are remedial in nature and apply to any proceeding, investigation, or citation involving an applicant for

an initial license, that, as of the bill's effective date, has not reached final disposition, including all available appeals.

- Specifies that a judicial finding of eligibility for intervention in lieu of conviction for specified criminal offenses are grounds for automatic denial or revocation of a license issued by the State Board.
- Specifies that conspiracy to commit, attempt to commit, or complicity in committing specified criminal offenses are also grounds for automatic denial or revocation of a license.
- Prohibits a court, when issuing a certificate of qualification for employment, from granting an individual relief from collateral sanctions for licensure action taken by the State Board for specified criminal offenses.
- Permits the State Board to deny, suspend, revoke, or limit a license if the applicant engages in an immoral act, incompetence, negligence, or conduct that is unbecoming to the "teaching profession" (rather than to the applicant's "position" as under current law).
- Specifies that a judicial finding of eligibility for intervention in lieu of conviction for the criminal offenses that are *not* grounds for automatic revocation or denial of licenses (rather than all criminal offenses) may be a reason for the State Board to deny, suspend, revoke, or limit a license.
- Removes a requirement that information received under an investigation about a person against whom no action was taken must be expunged within two years of completing the investigation.
- Permits a school district or school located in Ohio or another state to request that the Department provide any report of misconduct that it has received regarding an individual who is under consideration for employment, and requires the Department to provide the contents of the report to the district or school.
- Specifies that unlicensed teachers and pupil services personnel licensed by other licensing boards who are permitted under current law to work in public schools by registering with the Department are subject to the same disciplinary actions and related reporting and enforcement requirements licensed teachers.

Assisting individuals in obtaining school employment

- Generally prohibits a school representative from knowingly engaging in any activity intended to assist another individual in obtaining school employment if the representative knows or has reasonable cause to believe that the individual has committed a sex offense involving a student.

Cheating on assessments

- Prohibits a person from obtaining prior knowledge of a state achievement assessment, using prior knowledge of the contents of an assessment to assist students in preparing

for the assessment, and failing to comply with any rule adopted by the Department regarding security protocols for an assessment.

Teach for America licenses

- Requires the state Superintendent (rather than the State Board) to inactivate (rather than revoke) a resident educator license issued to a participant in the Teach for American (TFA) Program if the participant resigns or is dismissed from TFA prior to completion of TFA's two-year support program.
- Provides that (1) the inactivation of a resident educator license issued to a TFA participant does not constitute a suspension or revocation of the license by the State Board and (2) the State Board and the state Superintendent need not provide the person with an opportunity for a hearing with respect to the inactivation.

Employment of contractors

- Requires that any contractor that is providing services to a public school, chartered nonpublic school, or county board of developmental disabilities must hold a license that the individual would be required to hold if employed directly.

Pre-employment applications and screening process

- Requires each public and chartered nonpublic school to include a written notice on all employment applications explaining that any person knowingly making a false statement on the application is guilty of falsification, which is a first degree misdemeanor.
- Requires each public and chartered nonpublic school to consult the Department's "educator profile" database before making hiring decisions.
- Permits each public or nonpublic school to require an applicant or volunteer to undergo additional criminal records checks.

Review of personnel files

- Requires each public and chartered nonpublic school to review the personnel file of an employee against whom a complaint of misconduct is filed to determine if related instances are contained in the file.
- Requires each public and chartered nonpublic school to send the personnel file of a current or former employee to a different public or chartered nonpublic school regarding that person's application, with exceptions.

Career-technical educator licensure

- Qualifies an individual holding a certificate of high school equivalence for a two-year initial career-technical workforce development educator license or a five-year advanced career-technical workforce development educator license.

School counselor standards

- Requires the Educator Standards Board to include knowledge of the “Career-Technical Assurance Guide” (CTAG) in the Board’s standards for school counselors.

IV. Community schools

Community school sponsor evaluations

- Specifies that a sponsor rated “exemplary” for the two most recent years the sponsor was evaluated may take advantage of certain sponsor incentives.
- Specifies that a sponsor rated “exemplary” or “effective” for the three most recent years the sponsor was evaluated must be evaluated only once every three years.

Montessori preschool payments

- Specifies that a Montessori preschool operated by a community school will no longer receive community school funds for students under age five.

Community School Revolving Loan Fund

- Eliminates the Community School Revolving Loan Fund.

V. STEM schools

STEM and STEAM schools and equivalents

- Permits the Superintendent of Public Instruction, the Chancellor of Higher Education, and the Director of Development to appoint designees to participate in STEM Committee business on their behalf.
- Permits a STEM or STEAM school to submit an amended proposal to the STEM Committee to offer additional grade levels.
- Eliminates the authority for a joint vocational school district (JVSD) or an educational service center (ESC) to apply for designation as a STEM or STEAM school.
- Eliminates the authority for a career center to receive a STEM or STEAM school equivalent designation.
- Revises the required content of the proposal for designation as a STEM or STEAM school or equivalent.
- Repeals the authority for city, local, and exempted village school districts, community schools, and chartered nonpublic schools to apply for grants to support the operation of STEM programs of excellence.
- Specifies that a JVSD or ESC may apply for distinction as a STEM program of excellence.
- Specifies that STEM and STEAM school designations, STEM and STEAM school equivalent designations, and distinctions as STEM programs of excellence are effective for five years unless revoked and may be renewed upon reapplication.

- Specifies that, if the STEM Committee finds that a school is not in compliance as part of the reapplication process or as part of a review during the five-year effective period, it must require the school to develop a corrective action plan, implement the plan, and demonstrate exemplary STEM pedagogy and practices within one year.
- Makes other changes regarding STEM and STEAM school or equivalent oversight and operations.

VI. College Credit Plus

Students in state-operated schools

- Permits students enrolled in the State School for the Deaf, State School for the Blind, or in a school operated by the Department of Youth Services (DYS) to participate in the College Credit Plus (CCP) program in the same manner as students in other public schools.
- Subjects those schools to all CCP program requirements that apply to other public schools.
- Requires payments made to an institution of higher education for courses taken by a student enrolled in those schools to be deducted from the operating funds appropriated to the schools.

Academic eligibility for all students

- Requires a student, as a condition of eligibility for CCP, to (1) be “remediation-free” by meeting established standards, (2) meet an alternative remediation-free eligibility option, or (3) have qualified for and participated in the program prior to the bill’s effective date.

VII. Other

Transportation for community school and chartered nonpublic school students

- Requires each school district with fewer than 20 community schools and chartered nonpublic schools located in the district to develop transportation plans for students enrolled in those schools based on the schools’ start and end times.
- Requires an educational service center to develop transportation plans for community schools and chartered nonpublic schools located in a school district with 20 or more such schools located in the district.
- Prohibits a school district from transporting community or chartered nonpublic school students in grades K-8 using vehicles operated by a mass transit system, unless the district enters into an agreement with the students’ school to do so.
- Requires a school district that transports community or chartered nonpublic school students in grades 9-12 using vehicles operated by a mass transit system to:
 - Enter into a contract with the system that requires students to be transported on routes for fare-payers and students; and

- Ensure that a student’s route does not require more than one transfer.
- Adjusts the deadline for an existing community school to unilaterally accept responsibility to provide transportation for its students to August 1, rather than January 1 of the prior school year as under current law.
- Requires the Department to deduct a prescribed portion of a school district’s state transportation funding if the Department determines the district has consistently, or for a prolonged period, been noncompliant with its obligations regarding student transportation.

Payment in lieu of transportation

- Requires school districts, and community schools that accept responsibility to transport students, to make a determination regarding providing payment in lieu of transportation not later than 30 calendar days prior to the first day of instruction, or within 14 calendar days if the student is subsequent to that deadline.
- Authorizes a district superintendent (or the equivalent of a community school) to make a payment in lieu determination, but requires it to be formalized by the district board of education or the community school governing authority.
- Requires a district or school to issue to a student’s parent or guardian and the State Board a detailed letter explaining why a payment in lieu determination was made.

FAFSA data system

- Requires each public and chartered nonpublic high school to enter into a data sharing agreement with the Chancellor to operate the data system to track the FAFSA completion rate of state public and chartered nonpublic school students.

Computer science education

State plan for computer science education

- Requires the Department, in consultation with the Chancellor, to establish a committee to develop a state plan for primary and secondary computer science education in Ohio.
- Requires the committee to consider a series of topics and include several prescribed items in the state plan.
- Requires the committee to complete the state plan within one year of the bill’s effective date and the Department to post it in a prominent location on its website.

Public school students

- Requires that, generally, students enrolled in school districts, community schools, and STEM schools must have the option to enroll in computer science courses or general education courses that include computer science principles.
- Authorizes districts and schools to apply for, and receive, a renewable waiver from the state Superintendent that exempts them from offering computer science or general education courses in a particular school building for up to five years.

- Requires the Department, in consultation with computer science stakeholders, to establish a program to review and approve proposals from educational providers to offer online computer science courses to high school courses.
- Requires the Department to determine a method to calculate and make payments to educational providers that uses deductions from the foundation payments to the student’s district or school, in a manner similar to CCP payments.

Other computer science education provisions

- Requires the Department, in consultation with the Chancellor, to issue an annual report on computer science education in the state.
- Extends through the 2022-2023 school year an exemption that generally permits school districts, community schools, and STEM schools to have an individual who does not hold a license or endorsement to teach computer science, to teach computer science courses, so long as that individual meets other prescribed requirements.
- Requires the State Board to update its standards and curriculum for computer science education within one year of the bill’s effective date.

Effects of vaping – school district health curriculum

- Requires school districts to include instruction on the harmful effects and legal restrictions against the use of electronic smoking devices (vaping) in its health education curriculum.

Victim counseling

- Permits public and chartered nonpublic schools to provide counseling to victims of sexual harassment or sexually related conduct.

Obsolete reports, plans, or recommendations

- Eliminates various education-related reports, plans, and recommendations that are out-of-date, expired, or no longer have data available.

I. School finance

School financing

(R.C. 3314.088, 3317.0219, 3317.163, 3317.26, and 3326.42; Sections 265.215, 265.220, 265.225, 265.230, and 265.235)

The school funding system in existing law specifies a per-pupil formula amount and then uses that amount, along with a district’s “state share index” (which depends on valuation and, for some districts, also on median income), to calculate a district’s base payment (called the “opportunity grant”). The system also includes payments for targeted assistance (based on a district’s property value and income) and supplemental targeted assistance (based on a district’s percentage of agricultural property), categorical payments, a capacity aid payment, and payments for a graduation bonus, a third-grade reading bonus, and student transportation.

H.B. 166 of the 133rd General Assembly (the main operating budget act for FY 2020 and FY 2021) retained the school financing system in existing law, but it suspended use of that formula for school districts for FY 2020 and FY 2021. Instead, it provided for payments to be made based on FY 2019 funding. It also provided for deductions and transfers for community school and STEM school students as prescribed under continuing law.

The bill continues the suspension of the formula for school districts for FY 2022 and FY 2023 and again provides for payments to be made based on FY 2019 funding. It also provides for deductions and transfers for community schools and STEM school students as prescribed under continuing law. For a more detailed description of the bill's school financing provisions, see the [LBO Redbook for the Department of Education](#) and the LSC Comparison Document for the bill. From the LSC home page, www.lsc.ohio.gov, click on "Budget Central," then on "Main Operating – H.B. 110," and then on "EDU" under "Redbooks" or on "Comparison Document."

Funding for FY 2022 and FY 2023

(Sections 265.215, 265.220, 265.225, 265.230, and 265.235)

School districts

For FY 2022 and FY 2023, the bill requires the Department to pay each city, local, exempted village, and joint vocational school district an amount equal to the district's payments for FY 2019.

It also requires the Department to make an additional payment for FY 2022 and FY 2023 to each city, local, and exempted village school district, with at least 50 enrolled students, that experiences an average annual percentage change in its enrollment between FY 2016 and FY 2019 that is greater than zero.

Community schools and STEM schools

For FY 2022 and FY 2023, the bill requires the Department, for each student enrolled in a community school or STEM school, to deduct from the student's resident district and pay to the school an amount in the manner prescribed by existing law. For this purpose, the bill specifies that (1) the "formula amount," which is used to calculate the "opportunity grant" for each school, equals \$6,020 (the formula amount for FY 2019), (2) the amounts deducted and paid for targeted assistance and economically disadvantaged funds, which are computed based on an amount calculated for a student's resident district, must be the same per-pupil amounts deducted and paid for FY 2019, and (3) the per pupil amount deducted from a school district and paid to a community school that accepts responsibility to transport its students must be the same amount deducted and transferred for that purpose for FY 2019.

Additionally, for FY 2022 and FY 2023, the Department must calculate and pay each community school and STEM school's graduation and third-grade reading bonuses using a formula amount of \$6,020.

Other payments

When computing other payments for FY 2022 and FY 2023 for which a district's "state share index" or "state share percentage" is a factor, the Department must use the state share index or state share percentage computed for the district for FY 2019.

Additionally, for purposes of open enrollment, College Credit Plus, and any other payments for which the “formula amount” is used, the formula amount for FY 2022 and FY 2023 equals \$6,020 (as with payments for community schools and STEM schools under the bill).

Student wellness and success funding

(R.C. 3314.088, 3317.0219, 3317.163, 3317.26, and 3326.42; Sections 265.234 and 265.323)

The bill requires the Department to make payments for student wellness and success to all school districts, community schools, and STEM schools for FY 2022 and FY 2023 in a manner similar to how they were paid for FY 2020 and FY 2021. These funds must be spent for specified purposes that are outlined below. The Department must pay half of these funds by October 31 of the fiscal year for which the payment is calculated and the other half by February 28. The Department is prohibited from later reconciling or adjusting the payment.

For purposes of calculating a district’s or school’s student wellness and success funds and enhancement funds for both FY 2022 and FY 2023, the Department must use the number of students enrolled in the district or school for FY 2022. In other words, the Department must use the current year’s student count for FY 2022 payments and the preceding year’s student count for FY 2023 payments. For the previous biennium, the number of students enrolled in a district for the preceding fiscal year was used for both the FY 2020 and the FY 2021 payments.

Student wellness and success funds

City, local, and exempted village school districts

(R.C. 3317.0219; Section 265.323(B))

The Department must pay student wellness and success funds to city, local, and exempted village school districts on a per pupil basis. The following table lists the ranges of the per pupil payments, and the minimum aggregate amounts for a district, for the current biennium and the bill’s amounts for the next biennium:

Student Wellness and Success Funds – City, Local, and Exempted Village School Districts			
	Fiscal Year	Per Pupil Amount Range	Minimum Aggregate Payment*
Currently	FY 2020	\$20 to \$250	\$25,000
	FY 2021	\$30 to \$360	\$36,000
The Bill	FY 2022	\$38 to \$457	\$45,720
	FY 2023	\$47 to \$562	\$56,160

*Minimum payment does not apply if the district has fewer than five enrolled students.

To determine each district's per pupil amount, the Department groups the districts into quintiles each fiscal year based on the percentages of children with family incomes below 185% of the federal poverty guidelines.²¹ The bill changes the data source for the grouping to the most recent five-year estimates published by the U.S. Census Bureau in the 2015-2019 American Community Survey, rather than the most recently published survey as under current law. Districts in the highest quintile are paid the highest per-pupil amount. Those in the other four quintiles are paid smaller per pupil amounts based on a sliding scale calculation.

Joint vocational school districts; community and STEM schools

(R.C. 3314.088, 3317.163, and 3326.42; Section 265.323(B))

The Department must pay student wellness and success funds, on a full-time equivalency basis, to joint vocational school districts, community schools that are not Internet- or computer-based community schools (e-schools), and STEM schools. This payment is calculated by determining, for each student enrolled in the district or school, the per-pupil amount of student wellness and success funds paid to the student's district of residence and multiplying that amount by the student's full-time equivalency. The bill specifies that each district or school must receive a total minimum aggregate payment of \$45,720 for FY 2022, and \$56,160 for FY 2023.

E-schools do not receive a per-pupil payment. Instead, the bill requires the Department to pay each e-school \$45,720 for FY 2022, and \$56,160 for FY 2023.

The minimum payment amounts for joint vocational school districts, community schools that are not e-schools, and STEM schools, as well as the payment amount for e-schools, equaled \$25,000 for FY 2020 and \$36,000 for FY 2021. Student wellness and success enhancement funds

City, local, and exempted village school districts

(R.C. 3317.0219; Section 265.323(B))

The Department must pay student wellness and success enhancement funds to city, local, and exempted village school districts that received supplemental targeted assistance funding for FY 2019. Under the bill, this payment equals the product of:

- \$75, for FY 2022 and FY 2023 (this multiplier equaled \$50 for FY 2020 and \$75 for FY 2021); times
- The square of the quotient of the district's percentage of resident children with family incomes below 185% of the federal poverty guidelines divided by 36%; times
- The district's total student count.

Joint vocational school districts; community and STEM schools

(R.C. 3314.088, 3317.163, and 3326.42; Section 265.323(B))

The enhancement funds for joint vocational school districts, community schools that are not e-schools, and STEM schools are calculated by determining, for each student enrolled in the district or school, the per-pupil amount of student wellness and success enhancement funds paid

²¹ The 2021 federal poverty guideline for a family of four is \$26,500. 185% of that is \$49,025.

to each student’s district of residence (provided that district is eligible for enhancement funding) and multiplying that amount by the student’s full-time equivalency.

Guarantee

(Section 265.234(A), (B), and (D))

For FY 2022, the bill guarantees that each district and school receives the same amount of student wellness and success funds and enhancement funds that it received for FY 2021. For this purpose, a district’s or school’s FY 2021 amount equals the sum of:

1. The student wellness and success funds and enhancement funds paid in accordance with the statutory formula for FY 2021; plus

2. The additional amount distributed to the district or school from appropriation item 200604, Student Wellness and Success, through a methodology determined by the Department in consultation with the Office of Budget and Management (OBM) (as required by S.B. 310 of the 133rd General Assembly).

For FY 2023, the bill guarantees that each district and school receives the same amount of student wellness and success funds and enhancement funds that it received for FY 2022.

The Department must pay funds calculated for the guarantee by February 28 of the fiscal year for which the payment is calculated.

Distribution of remaining appropriated amounts

(Section 265.234(E))

For FY 2022 and FY 2023, the bill requires the Department, after all student wellness and success payments for that fiscal year have been made to public schools, to distribute any amounts remaining in appropriation item 200604, Student Wellness and Success, through a methodology determined by the Department in consultation with OBM. This payment must be made by February 28 of that fiscal year.

Spending requirements

(R.C. 3317.26; Section 265.234(C))

The bill makes several changes to the spending requirements for student wellness and success funds and enhancement funds that are explained in greater detail below. Districts and schools must satisfy these requirements for all funds spent after the bill’s changes take effect, including any student wellness and success funds and enhancement funds paid for FY 2020 and FY 2021 that are spent after that date.

Initiatives

Districts and schools must spend student wellness and success funds and enhancement funds for certain initiatives listed in current law. The bill changes the list of initiatives as follows:

- Specifies that mental health services and physical health services, which are already part of the list, may include telehealth services;

- Adds 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 abuse and suicide;
- Adds programs that connect students to community resources, including City Connects, Communities in Schools, or other similar programs (current law permits funds to be used for City Connects programming but does not mention other types of community programs); and
- Removes provisions that permit funds to be used for professional development regarding the provision of trauma-informed care and professional development regarding cultural competencies.

Community partners

The bill also requires districts and schools to spend student wellness and success funding and enhancement funding in coordination with two community partners (rather than one as under current law), as follows:

1. Either a board of alcohol, drug, and mental health services or a community-based mental health treatment or prevention provider (both a board of alcohol, drug, and mental health services and a community-based mental health *treatment* provider may be a community partner under current law, but a community-based mental health *prevention* provider may not be a community partner under current law); and

2. An educational service center, a county board of developmental disabilities, a community-based mental health treatment or prevention provider, a board of alcohol, drug, and mental health services, 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 (any of these, except for a community-based mental health prevention provider, may be a community partner under current law).

Funding adjustment for career-technical education

(Section 265.227; conforming changes in Sections 265.220 and 265.225)

The bill requires the Department to adjust the amounts paid to certain school districts for FY 2022 and FY 2023 to account for the decrease in career-technical education students served by a city, local, or exempted village school district and the corresponding increase in students served by a joint vocational school district. To qualify for this adjustment, a city, local, or exempted village school district must have provided a career-technical education program in FY 2019 but, beginning in FY 2020, is a member of a joint vocational school district that provides that program instead.

The adjustment equals the aggregate amount of career-technical education funds paid to the city, local, or exempted village school district for FY 2019 minus those funds deducted from the district for FY 2019 for students enrolled in community and STEM schools.

Payment for districts with decreases in utility TPP value

(Section 265.237)

The act requires the Department to make a payment, for FY 2022 and FY 2023, to each city, local, exempted village, or joint vocational school district with more than a 10% decrease in the taxable value of utility tangible personal property (TPP) that has at least one power plant located within its territory. To qualify for the FY 2022 payment, a district must have experienced this decrease between tax years 2017 and 2021 or tax years 2020 and 2021. To qualify for the FY 2023 payment, a district must have experienced this decrease between tax years 2017 and 2022 or tax years 2021 and 2022.

Eligibility determination

The Tax Commissioner must determine which districts are eligible for this payment no later than May 15, 2022 (for the FY 2022 payment) or May 15, 2023 (for the FY 2023 payment). For each eligible district, the Commissioner must certify the following information to the Department:

1. If the district is eligible for the FY 2022 payment, its total taxable value for tax year 2021 and the change in taxes charged and payable on the district's total taxable value for tax years 2017 and 2021; and
2. If the district is eligible for the FY 2023 payment, its total taxable value for tax year 2022 and the change in taxes charged and payable on the district's total taxable value for tax years 2017 and 2022; 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 act 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 2021 (for the FY 2022 payment) or tax year 2022 (for the FY 2023 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 equal to 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 2021 (for the FY 2022 payment) or for tax years 2017 and 2022 (for the FY 2023 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 2021 (for the FY 2022 payment) or for tax years 2017 and 2022 (for the FY 2023 payment).

Payment deadline

The Department must make FY 2022 payments between June 1 and June 30, 2022, and must make FY 2023 payments between June 1 and June 30, 2023.

Payment for school district with nuclear plant in its territory

(R.C. 3317.029, repealed)

The bill repeals the requirement that the Department, for each of FYs 2019, 2020, and 2021, make an additional payment to a city, local, or exempted village school district with (1) a nuclear power plant in its territory and (2) a total taxable value of public utility personal property for tax year 2017 that is at least 50% less than that value for tax year 2016.

Recommendations for compensating valuation losses

(R.C. 3317.27, repealed)

The bill eliminates the requirement that the Department annually recommend to the General Assembly a structure to compensate each city, local, exempted village, and joint vocational school district that experiences at least a 50% decrease in public utility personal property valuation from one year to the next for a percentage of the effect that decrease has on the district's state funding.

Student transportation funding – qualifying ridership

(R.C. 3317.0212)

The bill specifies that a city, local, or exempted village school district's "qualifying ridership" means the greater of the average number of qualifying riders counted in the morning or counted in the afternoon who are provided school bus service by a school district during the first full week of October that the district is in session with students in attendance. Currently, this count is the average number of qualifying riders who are provided school bus service during the first full week of October.

A district's "qualifying ridership" is used to calculate its transportation funding under the formula in permanent law. However, because the bill suspends the formula for FY 2022 and FY 2023 and instead provides for districts to receive the same amount of transportation funding for those fiscal years as they received for FY 2019, the change to the "qualifying ridership" count does not impact the calculation of districts' transportation funding for FY 2022 and FY 2023.

The bill also extends the deadline for each district's annual report to the Department of its qualifying ridership, and any other information requested by the Department, to November 1 from October 15.

Auxiliary Services funds

(R.C. 3317.024; Section 265.170)

The bill permits all chartered nonpublic schools, instead of only nonreligious affiliated schools as under current law, to choose whether to (1) receive Auxiliary Services funds directly from the Department or (2) receive those funds through the school districts in which they are located. For any year in which a religious chartered nonpublic school chooses direct payment,

the bill requires submission of an affidavit to the Department certifying that funds will be spent in a lawful manner and for a permissible purpose under continuing law.

Currently, a chartered nonpublic school that is not religiously affiliated must notify the Department by April 1 of each odd-numbered year to receive Auxiliary Services funding directly for the biennium that begins the following July 1. However, the bill temporarily permits any chartered nonpublic school (regardless of religious affiliation) to choose direct payment for the 2021-2022 and 2022-2023 school years by notifying the Department by July 31, 2021, rather than April 1.

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.²²

II. Graduation requirements and assessments

High school graduation requirements

(R.C. 3313.61, 3313.618, 3313.619, 3313.6113, and 3313.6114; conforming in R.C. 3301.0714)

The bill makes a series of changes to the high school graduations requirements that a student who entered ninth grade for the first time on or after July 1, 2019 (the Classes of 2023 and on) generally must meet to qualify for a high school diploma.

Background

In addition to meeting the state’s minimum curriculum requirements, continuing law generally requires these students to demonstrate competency in math and English language arts and earn at least two diploma seals to qualify for a high school diploma.

Continuing law also permits students who entered ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2019, (the Classes of 2018 through 2022) to meet those requirements to qualify for a high school diploma.

A student must demonstrate competency by attaining a “competency score” on each of the Algebra I and English Language Arts II end-of-course exams. However, if a student does not attain a competency score on one or both of those exams after two administrations of them, the student may use alternative demonstrations of competency. There are several alternative demonstrations of competency: (1) earning credit through the College Credit Plus Program in the failed subject area, (2) providing evidence of military enlistment, or (3) completing one “foundational” option and either another “foundational” option or a “supporting” option.

Continuing law prescribes a system of 12 diploma seals for which a student may qualify. There are two categories of diploma seals: state-defined diploma seals and locally defined diploma seals. Both types of diploma seals have requirements prescribed in statute, but a state factor, usually the Department, is often involved in implementing the requirements for state-defined seals, while the requirements for locally defined seals are solely implemented by the

²² See R.C. 3317.06 and 3317.062, neither in bill.

student’s school. There are nine state-defined seals and three locally defined seals; a district or school must adopt guidelines for at least one locally defined seal a student must earn at least two diploma seals, and at least one of them must be a state-defined seal.²³

FAFSA requirement

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 has submitted a written letter, in a manner prescribed by the Department, 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.

See also “**FAFSA data system**” below.

Industry-recognized credentials

The bill requires the Superintendent of Public Instruction’s industry-recognized credentials and licenses committee to assign a point value for each credential and establish the total number of points that a student must earn to satisfy certain high school graduation criteria prescribed under continuing law. Specifically, the bill requires a student to earn the total number of points to qualify for an industry-recognized credential diploma seal or to use industry-recognized credentials as a foundational option when using alternative demonstrations of competency. Current law specifies only that a student must earn an industry-recognized credential for either of those purposes.

In addition, the bill requires the Department, when calculating the number of students who earned an industry-recognized credential in the state report card’s Prepared for Success Component, to include only students who earned a credential, or group of credentials, at least equal to that total number of points.

State-issued licenses

The bill specifies that students who obtain a state-issued license for practice in a vocation that requires an examination may use that license to qualify for an industry-recognized credential diploma seal or as a foundational option when using alternative demonstrations of competency. Under current law, the only way a student may qualify for an industry-recognized credential state diploma seal is by earning an industry-recognized credential.

²³ For more information, the Department of Education’s guidance about graduation requirements is available [here](#).

Chartered nonpublic schools

The bill changes how students enrolled in chartered nonpublic schools that do not administer the end-of-course exams meet the requirements to demonstrate competency and earn state diploma seals. First, it specifies that students who are enrolled in chartered nonpublic schools that administer only the nationally standardized assessment (ACT or SAT) must be considered to have demonstrated competency if they score a remediation-free score on that assessment. If so, they are exempt from having to take the Algebra I or English Language Arts II end-of-course exams.

Similarly, students enrolled in chartered nonpublic schools that administer only an alternative assessment approved by the Department are exempt from demonstrating competency or earning state diploma seals. However, the bill clarifies that those students are exempt only from the assessment requirements. In addition, it expressly states that those students must complete the new FAFSA requirement, unless they meet one of the exemptions prescribed for that requirement (see above).

In addition to those changes, the bill also generally requires chartered nonpublic schools to offer remedial support to any student who fails to attain a competency score on one or both of the Algebra I or English Language Arts II end-of-course exams. Public schools already have to offer such support.

Transfer students and graduation requirements

The bill addresses how transfer students must comply with the state's high school graduation requirements in several ways. It addresses two types of transfer students:

1. Students who transfer between public and chartered nonpublic schools; and
2. Students who transfer into a public or chartered nonpublic school after, in the prior school year, being homeschooled, attending an out-of-state school, or attending a nonchartered, nonpublic school in Ohio.

Students who transfer between public and chartered nonpublic schools

The bill changes how public and chartered nonpublic schools must address any progress a transfer student made toward completing a locally defined diploma seal at the student's prior public or chartered nonpublic school. It requires a student's new school to recognize a locally defined diploma seal that the student earned at the prior school, regardless of whether the new school has adopted guidelines for that diploma seal. In addition, it requires the new school to include a method to give, to the extent feasible, a proportional amount of credit for any progress the student made toward earning that diploma seal at the prior school.

Students who transfer into public and chartered nonpublic schools

The bill generally requires transfer students who, in the prior school year, were homeschooled or attended an out-of-state or nonchartered, nonpublic school to generally comply with continuing law's requirements to demonstrate competency and earn state diploma seals.

However, to demonstrate competency in math and English language arts, the bill exempts such students who transfer in 12th grade and fail to attain a competency score on the Algebra I

or English language arts II end-of-course exam from having to retake that exam prior to using alternative demonstrations of competency.

For diploma seals, the bill permits such students to use a final course grade equivalent to a “B” or higher in courses completed prior to enrolling in their new school to meet diploma seal requirements, as follows:

1. A student may use a grade from courses that correspond to the American history and American government end-of-course exams to earn a Citizenship diploma seal;
2. A student may use a grade from a course that corresponds to the science end-of-course exam to earn a science diploma seal; and
3. A student may use a grade in an “appropriate” course, as determined by the student’s new school, to earn the Technology diploma seal.

It also prohibits those students from using a grade for an American history, American government, or science course complete prior to enrolling in their new school if, subsequent to that enrollment, those students take a course associated with the American history, American government, or science end-of-course exam.

Other demonstration of competency changes

Exemption for certain students with IEPs

The bill exempts a student with a disability who has an individualized education program (IEP) from demonstrating competency in math and English language arts under certain circumstances. To qualify for that exemption, the student’s IEP must expressly exempt the student from that requirement and the student must satisfy certain conditions regarding state testing.

Specifically, the student must take the Algebra I and English language arts II end-of-course exams or, if the student qualifies for alternate assessments, the alternate assessments in math and English language arts. If the student does not attain a competency score on an end-of-course exam or a score established by the State Board of Education on the alternate assessment, the student must be offered and receive remedial support from the student’s district or school and retake the exam or assessment. If the student still does not attain a competency score or an established score, the student is then exempt from the requirement to demonstrate competency.

ACT or SAT score as alternative demonstration of competency

The bill specifies that a student may use a remediation-free score on a nationally standardized assessment (ACT or SAT) as an alternative demonstration of competency in a subject area in which a student did not attain a competency score. For English language arts, the student must be remediation-free on both English and reading on the assessment.

“Foundational” options

The bill requires a student to earn *cumulative* score of proficient or higher on three or more state technical assessments in order to use those assessments as a “foundational” option

when using alternative demonstrations of competency. Under current law, a student must earn a score of proficient or higher on three state technical assessments.

In addition, the bill clarifies that an apprenticeship used as a “foundational” option must be registered with the Ohio State Pre-Apprenticeship Council. It further clarifies that a pre-apprenticeship used as a “foundational” option must align with standards established by the Departments of Education and Job and Family Services, in consultation with the Governor’s Office of Workforce Transformation, under continuing law.

Diploma seal requirement changes

Citizenship diploma seal

The bill expands the ways in which a student may earn a Citizenship diploma seal in two ways. First, it permits any student to earn that diploma seal by attaining a final course grade of a “B” or higher in an American history and American government course offered by the student’s high school. In addition, the bill qualifies a student with significant cognitive disabilities for that diploma seal if that student attains a score established by the State Board on the alternate assessment in social studies.

Under current law, a student may only qualify for the Citizenship diploma seal by attaining:

1. A score of proficient or higher on both the American history and American government end-of-course exams;
2. A score equivalent to a proficient on appropriate advanced placement (AP) or international baccalaureate (IB) exams; or
3. A final course grade of a “B” or higher in appropriate CCP courses.

Science diploma seal

The bill expands the ways in which a student may qualify for a science diploma seal. Under the bill, a student with significant cognitive disabilities may earn it by attaining a score set by the State Board on the alternate assessment in science. In addition, the bill permits any student to earn the seal by attaining a final course grade equivalent of a “B” or higher in a prescribed science course offered by the student’s high school. Specifically, a student may complete:

1. A chemistry, physics, or other physical science course;
2. An advanced biology or other life science course; or
3. An astronomy, physical geology, or other earth or space science course.

Under current law, a student may only qualify for the science diploma seal by attaining a score of proficient or higher on the science end-of-course exam, a score equivalent to a proficient on an appropriate AP or IB exam, or a final course grade of a “B” or higher in an appropriate CCP course.

Dyslexia diagnostic assessments

(R.C. 3301.079 and 3313.608)

Except for the kindergarten readiness assessment, the bill requires that the diagnostic assessments for grades K-3 in reading and comparable reading skill assessment tools for the Third Grade Reading Guarantee include items related to dyslexia identification. Those assessments and comparable tools must include a sufficient number of items to test phonological awareness, phonemic awareness, rapid naming skills, nonsense word fluency, and correspondence between sounds and letters to identify students who may need further measures to determine if the student has dyslexia.

The bill additionally requires the test vendors to share student performance data on comparable tools related to dyslexia as described above with each district and community, STEM, and chartered nonpublic school and the Department.

Finally, it specifies that any diagnostic assessment adopted by the State Board or any comparable reading tool approved by the Department, as described above, may be used to meet the current law requirement to administer a tier one dyslexia screening. Beginning in the 2022-2023 school year school districts and other public schools are required to administer annual dyslexia screenings.²⁴

Kindergarten Readiness and reading skills assessments

(R.C. 3301.0715 and 3313.608)

The bill adjusts the period of time in which a school must administer the Kindergarten Readiness Assessment and the kindergarten reading skills assessment (for the Third Grade Reading Guarantee), from the first day of the school year (July 1) through November 1 as under current law, to July 1 through the 20th day of instruction of the school year.

III. Educator licensure

Disciplinary actions for educators

(R.C. 2953.25, 3314.101, 3319.221, 3319.31, 3319.311, 3319.313, 3319.319, 3319.39, 3319.40, 3326.081, 3328.18, 4117.103, and 5153.176; Section 803.10)

Effect on H.B. 263

The bill eliminates a prohibition against the State Board refusing to issue an educator license because of a criminal record unless the refusal is in accordance with the limits and requirements that were recently enacted by H.B. 263 of the 133rd General Assembly, which apply to all licensing agencies and take effect October 9, 2021. Instead, it maintains and amends a procedure for determining licensure eligibility that is specific to teachers and school employees. With respect to issuing an initial license, the State Board must determine whether to issue an initial license to an applicant by following the requirements set forth in H.B. 263, except as described below.

²⁴ R.C. 3323.251, not in the bill.

The bill also specifies that its amendments to teacher licensure disciplinary actions are remedial in nature and apply to any proceeding, investigation, or citation involving an applicant for an initial license, that, as of the bill's effective date, has not reached final disposition, including all available appeals.²⁵

Automatic revocation or denial of license

The State Board is required under current law to revoke an individual's educator license or deny issuance or renewal of a license, without an administrative hearing, if the individual has pled guilty to, been found guilty of, or been convicted of specified criminal offenses.

The bill broadens this provision by specifying that both of the following also are grounds for automatic license revocation or denial:

1. A judicial finding of eligibility for intervention in lieu of conviction for any of the criminal offenses already listed in current law. (Under current law, the State Board is permitted, but not required, to deny, limit, suspend, or revoke a license for a judicial finding of eligibility in lieu of conviction for those offenses.)

2. A plea of guilty to, a finding of guilt, or a conviction of, or a judicial finding of eligibility for intervention in lieu of conviction for *conspiracy to commit, attempt to commit, or complicity in committing* any of the criminal offenses listed under current law or under the bill's provisions.

The criminal offenses listed in current law and the criminal offenses specified in the bill's provisions are listed in the table below (see "**Comparison of criminal offenses**").

Collateral sanctions for certain criminal offenses

The bill prohibits a court, when issuing a certificate of qualification for employment, from granting an individual relief from "collateral sanctions" for a licensure action by the State Board for a violation of criminal offenses specified in the bill. In other words, a certificate of qualification for employment cannot exempt an individual from the disciplinary consequences for teacher licensure of a conviction, guilty plea, or finding of guilt or a judicial finding of eligibility for intervention in lieu of conviction for those specified offenses.

A "collateral sanction" is a penalty, disability, or disadvantage that is related to employment or occupational licensing as a result of the individual's conviction of or plea of guilty to an offense. A certificate of qualification for employment is a document that provides relief from certain bars on employment or occupational licensing for an individual who has been released from incarceration and all supervision for a specified period of time.

The bill's list of criminal offenses for which an individual cannot be granted relief from collateral sanctions on a certificate of qualification for employment is a subset of those criminal offenses that are grounds for automatic revocation or denial of a license. These offenses are listed in the table below (see "**Comparison of criminal offenses**").

²⁵ See R.C. 9.78, not in the bill.

Comparison of criminal offenses

The following table compares the specific criminal offenses listed in current law and the bill that result in automatic revocation or denial of licenses and the specific criminal offenses listed in the bill for which an individual cannot be granted relief from collateral sanctions on a certificate of qualification for employment.

	Criminal offenses for which a guilty plea, finding of guilt, conviction (under current law), or judicial finding of eligibility for intervention in lieu of conviction (under the bill) results in automatic revocation or denial of license ²⁶	Criminal offenses for which an individual cannot be granted relief from collateral sanctions on a certificate of qualification for employment ²⁷
Endangering children through abuse, torture, or cruelty (R.C. 2919.22(B)(1) or (2))	✓	✓
Endangering children through corporal or other punishment that is excessive and creates substantial risk of serious physical harm (R.C. 2919.22(B)(3))	✓	✓
Endangering children through repeated, unwarranted discipline that poses substantial risk of seriously impairing the child's mental health or development (R.C. 2919.22(B)(4))	✓	✓
Aggravated murder (R.C. 2903.01)	✓	✓
Murder (R.C. 2903.02)	✓	✓

²⁶ R.C. 3319.31(C)(1).

²⁷ R.C. 2953.25(C)(5)(h).

	Criminal offenses for which a guilty plea, finding of guilt, conviction (under current law), or judicial finding of eligibility for intervention in lieu of conviction (under the bill) results in automatic revocation or denial of license ²⁶	Criminal offenses for which an individual cannot be granted relief from collateral sanctions on a certificate of qualification for employment ²⁷
Voluntary manslaughter (R.C. 2903.03)	✓	✓
Involuntary manslaughter (R.C. 2903.04)	✓	✓
Reckless homicide (R.C. 2903.041)	✓	
Felonious assault (R.C. 2903.11)	✓	✓
Aggravated assault (R.C. 2903.12)	✓	✓
Permitting child abuse (R.C. 2903.15)	✓	✓
Kidnapping (R.C. 2905.01)	✓	✓
Abduction (R.C. 2905.02)	✓	✓
Child stealing before July 1, 1996 (former R.C. 2905.04)	✓	✓
Criminal child enticement (R.C. 2905.05)	✓	✓
Extortion (R.C. 2905.11)	✓	
Trafficking in persons (R.C. 2905.32) (added by the bill for both licensure actions and collateral sanctions employment certificates)	✓	✓
Rape (R.C. 2907.02)	✓	✓
Sexual battery (R.C. 2907.03)	✓	✓
Unlawful sexual conduct with a minor (R.C. 2907.04)	✓	✓

	Criminal offenses for which a guilty plea, finding of guilt, conviction (under current law), or judicial finding of eligibility for intervention in lieu of conviction (under the bill) results in automatic revocation or denial of license ²⁶	Criminal offenses for which an individual cannot be granted relief from collateral sanctions on a certificate of qualification for employment ²⁷
Gross sexual imposition (R.C. 2907.05)	✓	✓
Sexual imposition (R.C. 2907.06)	✓	✓
Importuning (R.C. 2907.07)	✓	✓
Felonious sexual penetration in violation of former R.C. 2907.12	✓	✓
Compelling prostitution (R.C. 2907.21)	✓	✓
Promoting prostitution (R.C. 2907.22)	✓	✓
Procuring (R.C. 2907.23)	✓	
Soliciting (R.C. 2907.24)	✓	
Loitering to engage in solicitation (R.C. 2907.241)	✓	
Prostitution (R.C. 2907.25)	✓	
Disseminating matter harmful to juveniles (R.C. 2907.31)	✓	✓
Displaying matter harmful to juveniles (R.C. 2907.311)	✓	✓
Pandering obscenity (R.C. 2907.32)	✓	✓
Pandering obscenity involving a minor (R.C. 2907.321)	✓	✓

	Criminal offenses for which a guilty plea, finding of guilt, conviction (under current law), or judicial finding of eligibility for intervention in lieu of conviction (under the bill) results in automatic revocation or denial of license ²⁶	Criminal offenses for which an individual cannot be granted relief from collateral sanctions on a certificate of qualification for employment ²⁷
Pandering sexually oriented matter involving a minor (R.C. 2907.322)	✓	✓
Illegal use of a minor in nudity-oriented material or performance (R.C. 2907.323)	✓	✓
Deception to obtain matter harmful to juveniles (R.C. 2907.33)	✓	✓
Compelling acceptance of objectionable materials (R.C. 2907.34)	✓	✓
Aggravated arson (R.C. 2909.02)	✓	✓
Soliciting or providing support for an act of terrorism (R.C. 2909.22)	✓	✓
Making a terroristic threat (R.C. 2909.23)	✓	✓
Terrorism (R.C. 2909.24)	✓	✓
Aggravated robbery (R.C. 2911.01)	✓	✓
Robbery (R.C. 2911.02)	✓	
Aggravated burglary (R.C. 2911.11)	✓	✓
Burglary (R.C. 2911.12)	✓	
Personating an officer (R.C. 2913.44)	✓	

	Criminal offenses for which a guilty plea, finding of guilt, conviction (under current law), or judicial finding of eligibility for intervention in lieu of conviction (under the bill) results in automatic revocation or denial of license ²⁶	Criminal offenses for which an individual cannot be granted relief from collateral sanctions on a certificate of qualification for employment ²⁷
Inciting to violence (R.C. 2917.01)	✓	
Aggravated riot (R.C. 2917.02)	✓	
Riot (R.C. 2917.03)	✓	
Inducing panic (R.C. 2917.31)	✓	
Unlawful possession or use of a hoax weapon of mass destruction (R.C. 2917.33)	✓	
Unlawful abortion (R.C. 2919.12)	✓	
Unlawful abortion upon a minor (R.C. 2919.121)	✓	
Abortion manslaughter (R.C. 2919.13)	✓	
Interference with custody that would have been child stealing had it occurred before July 1, 1996 (R.C. 2919.23)	✓	✓
Bribery (R.C. 2921.02)	✓	✓
Intimidation (R.C. 2921.03)	✓	✓
Intimidation of attorney, victim, or witness in a criminal case (R.C. 2921.04)	✓	✓
Retaliation (R.C. 2921.05)	✓	
Perjury (R.C. 2921.11)	✓	
Escape (R.C. 2921.34)	✓	

	Criminal offenses for which a guilty plea, finding of guilt, conviction (under current law), or judicial finding of eligibility for intervention in lieu of conviction (under the bill) results in automatic revocation or denial of license ²⁶	Criminal offenses for which an individual cannot be granted relief from collateral sanctions on a certificate of qualification for employment ²⁷
Theft in office (R.C. 2921.41)	✓	✓
Illegal conveyance or possession of a deadly weapon, dangerous ordnance, or object indistinguishable from a firearm in a school safety zone (R.C. 2923.122)	✓	
Illegal conveyance or possession of a deadly weapon or dangerous ordnance in a courthouse (R.C. 2923.123)	✓	
Improperly discharging a firearm at or into a habitation, in a school safety zone, or with the intent to cause harm or panic to persons in a school, in a school building, or at a school function or the evacuation of a school function (R.C. 2923.161)	✓	
Unlawful possession of dangerous ordnance or illegally manufacturing or processing explosives (R.C. 2923.17)	✓	
Improperly furnishing firearms to a minor (R.C. 2923.21)	✓	✓

	Criminal offenses for which a guilty plea, finding of guilt, conviction (under current law), or judicial finding of eligibility for intervention in lieu of conviction (under the bill) results in automatic revocation or denial of license ²⁶	Criminal offenses for which an individual cannot be granted relief from collateral sanctions on a certificate of qualification for employment ²⁷
Corrupting another with drugs (R.C. 2925.02)	✓	✓
Aggravated trafficking or trafficking in drugs, including marihuana (R.C. 2925.03)	✓	
Illegal manufacture of drugs or illegal cultivate of marihuana (R.C. 2925.04)	✓	
Illegal assembly or possession of chemicals for the manufacture of drugs (R.C. 2925.041)	✓	
Aggravated funding of drug trafficking, funding of drug trafficking, and funding of marihuana trafficking (R.C. 2925.05)	✓	
Illegal administration or distribution of anabolic steroids (R.C. 2925.06)	✓	
Permitting drug abuse (R.C. 2925.13)	✓	
Deception to obtain a dangerous drug (R.C. 2925.22)	✓	
Illegal processing of drug documents (R.C. 2925.23)	✓	
Tampering with drugs (R.C. 2925.24)	✓	

	Criminal offenses for which a guilty plea, finding of guilt, conviction (under current law), or judicial finding of eligibility for intervention in lieu of conviction (under the bill) results in automatic revocation or denial of license ²⁶	Criminal offenses for which an individual cannot be granted relief from collateral sanctions on a certificate of qualification for employment ²⁷
Trafficking in harmful intoxicants or improperly dispensing or distributing nitrous oxide (R.C. 2925.32)	✓	
Illegal dispensing of drug samples (R.C. 2925.36)	✓	
Possession of counterfeit controlled substances, aggravated trafficking or trafficking in counterfeit controlled substances, promoting and encouraging drug abuse, and fraudulent drug advertising (R.C. 2925.37)	✓	
Contaminating a substance for human consumption or use or contamination with a hazardous chemical, biological, or radioactive substance; spreading a false report of contamination (R.C. 2927.24)	✓	
Placing a harmful or hazardous object or substance in a food or confection, or furnishing to a person a food or confection so adulterated (R.C. 3716.11)	✓	

	Criminal offenses for which a guilty plea, finding of guilt, conviction (under current law), or judicial finding of eligibility for intervention in lieu of conviction (under the bill) results in automatic revocation or denial of license ²⁶	Criminal offenses for which an individual cannot be granted relief from collateral sanctions on a certificate of qualification for employment ²⁷
Violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed above	✓	✓

Discretionary disciplinary action

The bill permits the State Board to deny, suspend, revoke, or limit a license if the applicant engages in an immoral act, incompetence, negligence, or conduct that is unbecoming to the “teaching profession” (rather than to the applicant’s “position” as under current law). It further specifies that the State Board does not need to consider whether there is a connection between the immoral act, incompetence, negligence, or conduct and the individual’s ability to perform the duties associated with the license or position.

The bill also specifies that a judicial finding of eligibility for intervention in lieu of conviction for any of the offenses that are *not* grounds for automatic license revocation or denial of licenses may be a reason for the State Board to deny, suspend, revoke, or limit a license. Under current law, the State Board is permitted, but not required, to deny, limit, suspend, or revoke a license for a judicial finding of eligibility for intervention in lieu of conviction for all criminal offenses.

Current law, not changed by the bill but subject to H.B. 263 of the 133rd General Assembly (see above) also permits the State Board to deny, limit, suspend, or revoke a license for (1) a felony, offense of violence, or theft offense that are not grounds for automatic revocation or denial of a license, (2) a drug abuse offense that is not a minor misdemeanor and is not grounds for automatic revocation or denial of a license, (3) a violation of an ordinance of a municipal corporation that is substantively comparable to these offenses, and (4) failure to comply with provisions of law regarding school management plans²⁸ and required reporting²⁹ of employee misconduct.

²⁸ R.C. 3313.536, not in the bill.

²⁹ See also R.C. 3314.40, 3326.24, 3328.19, and 5126.253, none in the bill.

Inactivation of licenses

Under current law, upon the arrest, summons, or indictment of a school employee for an alleged violation of specified offenses, the employee must be suspended from all duties that require the care, custody, or control of a child. This requirement applies to all licensed and nonlicensed employees of school districts, educational service centers, community schools, STEM schools, college-preparatory boarding schools, and chartered nonpublic schools. In the case of a licensed employee, the arrest, summons, or indictment and suspension must be reported promptly to the Department. The suspension must continue through the conclusion of the criminal action against the employee.

The bill requires the Superintendent of Public Instruction, on behalf of the State Board, to inactivate the license of a school employee who is suspended as described above. The inactivation must remain in force during the pendency of the criminal action against the person. The bill specifies that (1) the inactivation does not constitute a suspension or revocation of the license by the State Board and (2) the state Superintendent need not provide the person with an opportunity for a hearing with respect to the inactivation. If the State Board does not revoke the license, the state Superintendent must reactivate the license upon conclusion of the criminal action against the person.

Investigations for purposes of disciplinary actions

The State Board is authorized under current law to investigate any information received about an individual that reasonably appears to be a basis for disciplinary action. It is not required to conduct an investigation regarding the automatic revocation or denial of a license.

The bill removes a requirement that the State Board contract with the Attorney General to conduct these investigations. It also removes a requirement that information received under an investigation about a person against whom no action was taken must be expunged within two years of the completion of the investigation.

Release of information obtained during an investigation

The bill permits the appointing or hiring officer of a school district or school located in Ohio or another state to request that the Department provide any report of misconduct that the Department has received regarding an individual whom the district or school is considering for employment. Upon receiving a request, the Department must provide the contents of any report of misconduct it has received to the requesting officer and must notify the officer that the information provided is confidential and may not be disseminated to another person or entity.

If the Department provides the contents of a report under this provision, the Department must document the information provided in the record of any investigation undertaken based on the report. The documentation must include a list of the information provided, the date the information was provided, and the name and contact information of the appointing or hiring officer to whom it was provided.

Registration in lieu of State Board licenses

Currently, unlicensed teachers are permitted to teach in certain high-performing school districts so long as they register with the Department.³⁰ In addition, recently enacted law, which takes effect April 12, 2021, eliminated a requirement that certain health care professionals who are licensed by other state licensing boards also hold a separate license from the State Board of Education in order to work in schools, and instead requires them simply to register with the Department. This registration in lieu of a separate license applies to school speech language pathologists, audiologists, school nurses, physical therapists, occupational therapists, and social workers who are licensed by their respective professional boards.³¹

The bill subjects those registrants to the same disciplinary actions as licensed teachers. Thus, the State Board may refuse to register an unlicensed teacher, limit the registration upon issuing it, or suspend, revoke, or limit it for the same reasons that the State Board may take those actions against a licensed teacher. Similarly, the State Board may conduct any investigations regarding an unlicensed teacher's registration

Assisting individuals in obtaining school employment

(R.C. 3319.318, 3314.03, 3326.11, and 3328.24)

The bill prohibits a "school representative" from knowingly engaging in any activity intended to assist another individual in obtaining school employment to teach school age children, if the representative knows or has reasonable cause to believe that the individual has committed a sex offense involving a student.

This prohibition does not apply if either:

1. The school representative is transmitting administrative and personnel files to the prospective employer; or
2. The information has been reported to law enforcement or the public children services agency and one of the following applies: (a) law enforcement has determined there is insufficient information to indict the individual for the alleged offense, (b) the individual has not been indicted within four years after the date of the report, or (c) the individual has been acquitted or otherwise exonerated of the offense.

³⁰ R.C. 3302.151, not in the bill.

³¹ R.C. 3319.221, as enacted by H.B. 442 of the 133rd General Assembly, effective April 12, 2021, not in the bill. Current law requires that, as a condition of registration, an individual have a criminal records check and be enrolled into the "rapback" program. The Retained Applicant Fingerprint Database (or rapback) is a database of fingerprints of individuals on whom Bureau of Criminal Identification and Investigation has conducted criminal records checks when determining eligibility for employment or licensure. Through it, an office like the Department will receive reports of subsequent arrests or convictions of registrants. (See also R.C. 109.5721, 3319.316, and 3319.391.)

Cheating on assessments

(R.C. 3319.151 and 3319.99)

Prohibited actions

Current law prohibits a person from revealing to any student any specific question that the person knows is part of a state achievement assessment or in any other way assisting a student to cheat on that assessment. If a person violates this provision, the person is guilty of a minor misdemeanor.

The bill prohibits a person from taking several other actions regarding state achievement assessments, but it does not establish any type of criminal penalty for violations of these additional provisions. The additional prohibited actions are:

1. Obtaining prior knowledge of the contents of a state achievement assessment;
2. Using prior knowledge of the content of a state achievement assessment to assist students in preparing for the assessment; and
3. Failing to comply with any rule adopted by the Department regarding security protocols for a state achievement assessment.

Consequences for teacher licensure and employment

The bill requires the State Board, after conducting an investigation, to take any action (license suspension, revocation, or limitation) that it considers appropriate against the license of a school employee who takes any of the prohibited actions described above, based on the nature and extent of the violation. Current law, however, requires the State Board to suspend a school employee's license for one year for revealing test content.

The bill also specifies that the State Board must give the employee notice of an allegation regarding cheating on assessments *upon beginning an investigation* and an opportunity to respond *prior to taking any disciplinary action* (current law does not specify the timing by which these actions must occur).

Finally, the bill specifies that those actions regarding state achievement assessments that are prohibited by the bill, in addition to what is prohibited under current law, are grounds for termination of a teacher contract and for termination of a nonteaching employee.

Teach for America licenses

(R.C. 3319.227)

The bill requires the state Superintendent, on behalf of the State Board, to inactivate a resident educator license issued to a participant in the Teach for American (TFA) Program if the participant resigns or is dismissed from TFA prior to completion of TFA's two-year support program. Currently, the State Board is required to revoke a TFA participant's resident educator license when the participant resigns or is dismissed. Additionally, the bill states that (1) the inactivation of a resident educator license issued to a TFA participant does not constitute a suspension or revocation of the license by the State Board and (2) the State Board and the state

Superintendent need not provide the person with an opportunity for a hearing with respect to the inactivation.

Employment of contractors

(R.C. 3319.0812, 3314.03, 3326.11, and 3328.24)

The bill requires that any contractor that is providing services to a public or chartered nonpublic school or a county board of developmental disabilities must hold any license that the individual would be required to hold if employed directly by the district, school, or county board. The district, school, or county board must obtain verification of licensure from the contractor's employer prior to the contractor commencing the provision of services.

Pre-employment applications and screening

(R.C. 3319.393, 3314.03, 3326.11, and 3328.24)

Written notice on employment applications

The bill requires each school district, other public school (community school, STEM school, and college-preparatory boarding school), and chartered nonpublic school to include on all employment applications the following notice:

ANY PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT IS
GUILTY OF FALSIFICATION UNDER SECTION 2921.13 OF THE
REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE.

Pre-employment screening process

Before making hiring decisions, the bill requires each school district, other public school, and chartered nonpublic school to consult the Department's "Educator Profile" database, currently on the website as "CORE" – Connected Ohio Records for Educators. After consulting the database, a district or school may consult with the Department's Office of Professional Conduct to determine if an applicant has been the subject of a disciplinary report by a school official to the state Superintendent or had any disciplinary actions taken by the Department. A district or school also may consult any of the applicant's prior education-related employers.

The bill also permits a district or school to offer conditional employment to an individual pending the completion of the screening process, and permits the district or school to release the individual from employment if the screening process uncovers misconduct for which an individual may not be employed in a school.

Finally, the bill permits a district or school to require an applicant or volunteer to undergo background checks in addition to the criminal records checks already required under continuing law.

Review of personnel files

(R.C. 3313.94, 3314.03, 3326.11, and 3328.24)

The bill requires each school district, other public school, and chartered nonpublic school, when a complaint is filed against an employee alleging misconduct by that employee, to conduct

a review of the employee’s personnel file to determine if any recorded or reported instance of related misconduct or disciplinary actions are contained in the file. Further, each district or school that receives a request for the personnel file of a current or former employee from a different public or chartered nonpublic school (regarding that employee’s application) must either: (1) send that file to the requestor within 20 business days of receiving the request or (2) if the school determines it is not possible to send the file within 20 business days, promptly notify the requestor and indicate the reason the information cannot be sent within that time.

Career-technical educator licensure

(R.C. 3319.229)

The bill qualifies an individual holding a certificate of high school equivalence for a two-year initial career-technical workforce development educator license or a five-year advanced career-technical workforce development educator license. Current law requires a high school diploma for these licenses.

School counselor standards

(R.C. 3319.61)

The bill requires the Educator Standards Board to include knowledge of the career-technical credit transfer program (“Career-Technical Assurance Guide” (CTAG)) into the Board’s standards for school counselors.

CTAG is a result of criteria, policies, and procedures established by the Chancellor of Higher Education to ensure transfer of credit for career-technical courses “without unnecessary duplication or institutional barriers.”³²

IV. Community schools

Community school sponsor evaluations

(R.C. 3314.016)

The bill directs the Department to evaluate once every three years any sponsor rated “exemplary” or “effective” for the three most *recent* years the entity was evaluated, instead of for at least three *consecutive* years as under current law.

The bill also specifies that certain sponsor incentives are available to any sponsor rated “exemplary” for the two most *recent* years the sponsor was evaluated, instead of for at least two *consecutive* years as under current law. Those incentives, unchanged by the bill, include: (1) automatic renewal of the written agreement with the Department, (2) the ability to extend the term of the sponsorship contract, (3) an exemption from certain deadline and expiration requirements, (4) no limit on the number of community schools the entity may sponsor, and (5) no territorial restrictions on sponsorship.

³² See R.C. 3333.162, not in the bill.

Background

Generally, the Department must rate all community school sponsors as either “exemplary,” “effective,” “ineffective,” or “poor,” on an annual basis, based on the following components: (1) student academic performance, (2) adherence to the quality practices prescribed by the Department; and compliance with all applicable laws and administrative rules. However, as discussed above, an exception to annual evaluations exists for certain higher performing sponsors.

Montessori preschool payments for students under age five

(R.C. 3314.06)

The bill removes a provision that requires the Department to pay an amount equal to the formula amount for each student under age four admitted to a Montessori preschool operated by a community school. Instead, the bill specifies such a school will receive no community school funds for students under age five.

Community School Revolving Loan Fund

(R.C. 3314.30 and 3314.31, repealed)

The bill eliminates the Community School Revolving Loan Fund and the Community School Security Fund, the latter of which was created to accept payment of funds borrowed from the Revolving Loan Fund.

Under current law, a community school may borrow from the Community School Revolving Loan Fund, which consists of federal moneys for the development and operation of community schools, to pay the costs associated with any provision of the community school’s contract. The maximum borrowable amount is \$250,000. According to the Office of Budget and Management, the fund, established in 2003, has never been accessed by a community school.

V. STEM schools

STEM and STEAM schools and equivalents

(R.C. 3326.02, 3326.03, 3326.032, 3326.04, 3326.07, 3326.08, 3326.14, 3326.23, and 3326.51; R.C. 3326.05 and 3326.111, repealed)

The bill makes numerous changes to the law governing STEM and STEAM schools and equivalents.

A STEM school is an independent, public school for any of grades K-12 established through a collaborative endeavor of both public and private entities, including at least one school district. As the name suggests, STEM schools emphasize study in the disciplines of science, technology, engineering, and math, but they also offer all courses required for graduation and are authorized to award their graduates high school diplomas. A STEAM school is a type of STEM school where the “A” denotes “arts.” Each school, whether a STEM school or a STEAM school, is approved for operation by the Department of Education’s STEM Committee.

A STEM or STEAM school equivalent meets the curriculum requirements of a STEM or STEAM school but is governed under its own laws or articles of incorporation and does not

receive funding as a STEM or STEAM school. It is a designation that may be granted to a community school, a career center, or chartered nonpublic school.

STEM Committee membership

(R.C. 3326.02)

The bill permits the Superintendent of Public Instruction, the Chancellor of Higher Education, and the Director of Development to appoint designees to participate in STEM Committee business on their behalf. It also specifies that a designee must be the same person for the time period the designation is effective.

Grades offered by STEM and STEAM schools

(R.C. 3326.03)

The bill permits a STEM or STEAM school to submit an amendment proposal to the STEM Committee in order to offer additional grade levels. Under continuing law, STEM and STEAM schools may offer any of grades kindergarten through twelve.

STEM and STEAM school designations for JVSDs and ESCs

(R.C. 3326.03 and 3326.51)

The bill eliminates the authority for a joint vocational school district (JVSD) or an educational service center (ESC) to apply for designation as a STEM or STEAM school. However, it permits a school operated by a JVSD that was designated as a STEM or STEAM school prior to the bill's effective date to maintain that designation if the school continues to comply with all applicable STEM school law and its proposal for designation as a STEM or STEAM school.

STEM and STEAM school equivalent designations for career centers

(R.C. 3326.032)

The bill eliminates the authority for a career center to receive a designation as a STEM or STEAM school equivalent in the same manner as a community school or a chartered nonpublic school. For this purpose, a career center is a school that enrolls students in any of grades 9-12 and in which a career-technical planning district (CTPD) provides career-technical education services that meets the State Board's standards. A CTPD may be a JVSD, a comprehensive career-technical program offered by a city, exempted village, or local school district, or career-technical program offered to other districts under contract.

Proposals for STEM and STEAM schools and equivalents

(R.C. 3326.03, 3326.032, and 3326.07)

The bill requires the proposal for a STEM or STEAM school or equivalent to include evidence that the school will:

1. Exhibit school-wide cultural strategies reflecting innovation, an entrepreneurial spirit, inquiry, and collaboration with individual accountability;
2. Offer a rigorous, diverse, integrated, and problem-based or project-based curriculum (rather than only project-based as under current law) with the goal to prepare students for post-

secondary learning experiences (rather than with the goal to prepare students for college as under current law);

3. Have a curriculum that emphasizes the use of design-thinking as a school-wide approach and provides opportunities for students to engage in personalized learning (rather than emphasizes personalized learning and teamwork skills as under current law);

4. Participate in regular STEM-focused professional development and share knowledge of best practices (rather than utilize an established capacity to capture and share knowledge for best practices and innovative professional development with the Ohio STEM Learning Network or its successor as under current law); and

5. In the case of a STEM or STEAM school equivalent, has established partnerships with institutions of higher education and businesses, as well as arts organizations if the proposal is for a STEAM school equivalent (existing law already requires this for STEM and STEAM schools).

It also eliminates the existing requirement for the proposal to include evidence that the school's curriculum incorporates scientific inquiry and technological design.

Distinctions as STEM programs of excellence

(R.C. 3326.03 and 3326.04)

The bill repeals the authority for city, local, and exempted village school districts, community schools, and chartered nonpublic schools to apply for grants to support the operation of STEM programs of excellence. Instead, it specifies that a JVSD or ESC may apply for a distinction as a STEM program of excellence. Additionally, it specifies that nothing prohibits a school operated by a JVSD that was designated as a STEM or STEAM school prior to the bill's effective date from electing to apply for distinction as a STEM program of excellence.

The bill requires a proposal for distinction as a STEM program of excellence to satisfy requirements that are substantially similar to the requirements for proposals for STEM and STEAM schools and equivalents.

Effective period for designations and distinctions

(R.C. 3326.03, 3326.032, and 3326.04)

The bill specifies that STEM and STEAM school designations, STEM and STEAM school equivalent designations, and distinctions as STEM programs of excellence are effective for five years unless revoked (see below). However, prior to the end of the five-year period, the STEM committee may review a school's designation or distinction if it has reason to believe that a school is not in compliance with the law and its proposal.

Correspondingly, the bill requires the Department to maintain records of the application status and renewal deadlines for each designation and distinction.

Renewal of designations and distinctions

(R.C. 3326.03, 3326.032, and 3326.04)

The bill requires STEM and STEAM schools and equivalents and JVSDs and ESCs granted distinctions as STEM programs of excellence to reapply for designation or distinction every five

years. The STEM Committee must authorize the continuation of a school's designation or distinction if it finds that the school is in compliance with all applicable laws and its proposal.

Revocation of designations and distinctions

(R.C. 3326.03, 3326.032, 3326.04, and 3326.08)

The bill specifies that, if the STEM Committee finds that a school is not in compliance as part of the reapplication process or as part of a review during the five-year effective period, it must require the school to:

1. Develop a corrective action plan in collaboration with the Department and the Ohio STEM Learning Network; and
2. Implement the plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development.

The bill requires the Committee to revoke a school's designation or distinction if the school fails to implement the corrective action plan within one year.

Additionally, the Committee must order a STEM or STEAM school that is not operated by a city, local, or exempted village school district to close after its designation is revoked. Currently, the Committee may, but is not required to, order any STEM or STEAM school, including those operated by school districts, to close if the Department finds it is not in compliance with applicable laws and its proposal for designation.

Annual list of written assurances

(R.C. 3326.23)

The bill exempts a STEM or STEAM school that is governed and controlled by a city, local, or exempted village school district from the annual requirement to provide to the Department written assurances of compliance with various requirements.

Repeal of miscellaneous provisions

(R.C. 3326.03, repealed R.C. 3326.05, repealed R.C. 3326.11, and R.C. 3326.14)

The bill repeals all of the following:

- The requirement that the STEM Committee award grants to STEM and STEAM schools;
- The authority for the STEM Committee to make recommendations to the General Assembly and the Governor for the training of STEM educators;
- The requirement that, if a STEM or STEAM school receives a grant under the federal Race to the Top Program, the governing body of that school must pay teachers based on performance as if it was a school district board of education; and
- The authority for any student enrolled in the 9th grade or lower in a STEM or STEAM school to take one or more of the five Ohio Graduation Tests (OGT) at any of the times those tests are administered. (The last class for which the OGT was required for graduation was the class of 2018.) However, the bill retains the existing requirement that a STEM or

STEAM school must administer the state achievement assessments as if it were a school district.

VI. College Credit Plus

College Credit Plus program

(R.C. 3365.01, 3365.03, 3365.032, and 3365.07)

The bill makes two changes to the College Credit Plus (CCP) program, both regarding student eligibility. The CCP program allows high school students who are enrolled in public or nonpublic high schools or who are home-instructed to enroll in nonsectarian college courses to receive high school and college credit. Generally, the program governs arrangements in which the student, upon successful completion of such a course, receives transcribed credit from the college. CCP courses may be taken at any public or participating private or out-of-state college.

Students in state-operated schools

The bill permits students enrolled in the State School for the Deaf, the State School for the Blind, or in a school operated by the Department of Youth Services (DYS) to participate in the CCP program in the same manner as students in other public schools. Consequently, under the bill, those students and the state-operated schools are subject to all existing program laws and requirements that apply to CCP participants and other public schools. The bill, however, does not address where students in the custody of DYS will attend college courses under the CCP program and the transportation or security for such students.

The bill requires payments made to institutions of higher education for CCP courses taken by students enrolled at the State School for the Deaf or the State School for the Blind or a school operated by DYS to be deducted from the amount appropriated by the General Assembly for support of those schools.

Academic eligibility for all students

The bill removes the prescribed condition for students who are not “remediation-free” and instead creates an alternative remediation-free eligibility option, which the Chancellor of Higher Education, in consultation with the Superintendent of Public Instruction, must define. Current law requires a student, as a condition of eligibility for the CCP program, to be “remediation free.” However, a student who scores within one standard error of measurement below the threshold on a standard assessment determining remediation-free status may fulfill eligibility requirements if the student also (1) has at least a 3.0 cumulative high school grade point average (GPA) or (2) receives a recommendation from a school counselor, principal, or career-technical program advisor. The bill removes the eligibility for a student within one standard error of measurement. However, it grandfathers in students who qualified under that condition prior to the bill’s effective date.

VII. Other

Transportation for community school and chartered nonpublic school students

The bill prescribes a series of new requirements for city, local, and exempted village school districts to meet while providing transportation services, as required under continuing law, to community school and chartered nonpublic students. The bill establishes (1) new requirements regarding transportation plans for community school and chartered nonpublic school students, (2) limits on the use of mass transit system vehicles to transport them, and (3) a requirement to transport them when their schools are open. In addition, the bill changes the deadline by which a community school may accept responsibility to transport its students.

Generally, a school district must provide transportation for students in grades K-8 who live more than two miles from school, whether they attend district schools; public community schools; STEM schools; or private schools that hold a state charter. There are exceptions, however, such as when transportation to a community or STEM school or private school exceeds 30 minutes, or when the district board determines transportation to be impractical and offers to pay a parent instead. Also, there are mechanisms for community schools to take over the responsibility to transport their students. For a detailed discussion of the law on student transportation see the LSC Members Brief, [Transportation of Students](#).

Transportation plans

(R.C. 3327.016; conforming change in R.C. 3313.48)

The bill generally requires city, local, and exempted school districts to develop transportation plans, including routes and schedules, for students enrolled in community schools and chartered nonpublic schools based on those schools' start and end times. The transportation plans must result in those students arriving to school within an hour before its start time and must not result in a student being picked up from school more than an hour after its end time.

Under the bill, community schools and chartered nonpublic schools must establish school start and end times for a school year by June 1 of the prior school year. Each school then must provide those times to the city, local, or exempted village school districts that the school expects will provide transportation services to its students.

A school district generally must use those start and end times to develop a transportation plan by July 1 for community and chartered nonpublic school students whom the district is required to transport and who enroll by June 1 of the prior school year. For any student who enrolls in a community or chartered nonpublic school after June 1, the district must develop a transportation plan within 14 calendar days after receiving a request for transportation services from the student's parent or guardian.

Exception –ESC to develop transportation plans

As an exception to the general requirements described above, the bill prescribes a different statutory procedure for school districts that have 20 or more community or chartered nonpublic schools located in a school district. In that case, the educational service center (ESC) with which the school district has a service agreement, or the ESC with the most territory in the

district's county if the district does not have a service agreement, must develop transportation plans.³³ The transportation plans also must result in those students arriving to school within an hour before the start time and must not result in a student being picked up from school more than an hour after the end time.

The ESC must convene a meeting with the school district and all community or chartered nonpublic schools located in the district. Each district or school must provide any information the ESC considers necessary. By July 15, the ESC must approve a transportation plan for each community or chartered nonpublic school.

Limits on use of mass transit systems

(R.C. 3327.017)

The bill prescribes several limits on the use of vehicles operated by mass transit systems by school districts to provide or arrange for transportation of community school and chartered nonpublic school students.

For students enrolled in grades K-8, the bill prohibits a district from transporting them using mass transit vehicles unless the district enters into an agreement with the students' community or chartered nonpublic school authorizing that transportation. The bill expressly requires both the district and school to approve the agreement in order for it to be effective.

For students enrolled in grades 9-12, the bill specifies that, if a school district elects to transport them using vehicles operated by a mass transit system, the district must enter into a contract with the mass transit system that requires each student to be transported by a vehicle operating on a route designed for transporting fare-paying passengers and students. It also requires the district to ensure that a student's route does not require more than one transfer.

Transportation when schools are open for instruction

(R.C. 3327.01)

The bill requires a school district to transport community or chartered nonpublic school students to and from school on each day that their school is open for instruction, regardless of whether the district's school buildings are similarly open. However, the bill also maintains a provision of continuing law that exempts school districts from transporting community school and chartered nonpublic school students on Saturday or Sunday, unless the district and school have an agreement in place to provide such transportation.

³³ Each school district with a student count of 16,000 or less must have a service agreement with an ESC. Districts with larger student counts are expressly permitted by not required to have such an agreement. See R.C. 3313.843, not in the bill.

Deadline for community school to accept responsibility to transport students

(R.C. 3314.091)

A school district and community school may enter into a bilateral agreement under which the community school will transport its students. Or, a community school may take over the transportation responsibility unilaterally without entering into an agreement with the students' resident school district by notifying the school district by January 1 of the previous school year. The bill adjusts that deadline to August 1 of the school year for which the community school will be providing or arranging transportation.

A newly opening community school must notify the district by April 15 prior to its first year of operation if it wishes to unilaterally accept transportation responsibility. The bill does not change this deadline nor does it affect the provision for bilateral agreements between districts and community schools.

Deduction of state funding for school district noncompliance

(R.C. 3327.021)

The bill requires the Department to deduct a portion of city, local, or exempted village school district's state transportation funding if the Department determines that the district has consistently, or for a prolonged period, been noncompliant with certain statutory obligations regarding student transportation.

Specifically, the bill requires the Department to monitor each city, local, or exempted village school district's compliance with:

1. Its general obligations under the law to transport students;
2. Its new obligation under the bill to generally transport community school and chartered nonpublic school students on days that the schools are open (see above);
3. Its new obligation under the bill regarding transportation plans for community schools and chartered nonpublic schools (see above); and
4. The bill's new prohibition against transporting community school and chartered nonpublic school students in grades K-8 using mass transit, unless the district has an agreement to do so with the students' school (see above).

If the Department determines a consistent or prolonged period of noncompliance on the part of the school district to meet those obligations, the Department must deduct from the district's state transportation funding an amount equal to the total daily amount of that funding for each day the district is noncompliant.

However, the bill expressly states that the requirement to monitor district compliance and deduct state transportation funding does not affect a school district's authority to provide payment in lieu of transportation.

Payment in lieu of transportation

(R.C. 3327.02)

The bill requires a city, local, or exempted village school district, or a community school that has accepted responsibility to provide transportation, to 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 later, the district or school must make the determination within 14 calendar days of a student's enrollment.

It also authorizes a superintendent to 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.

In addition, the district or school must issue to a student's parent or guardian and the State Board a letter with a detailed description of the reasons why the payment in lieu determination was made.

FAFSA data system

(R.C. 3313.6026; conforming changes in R.C. 3314.03, 3326.11, and 3328.24)

The bill requires each school district and each other public and chartered nonpublic high school to enter a data sharing agreement with the Chancellor of Higher Education to operate a data system, created by the bill, to track the Free Application for Federal Student Aid (FAFSA) completion rate of Ohio's public and chartered nonpublic school students. (See "**FAFSA data system**" under "**DEPARTMENT OF HIGHER EDUCATION**," below.) Each district or school must provide principals and school counselors with access to the data system to assist with efforts to support and encourage students to complete the FAFSA form.

Computer science education

State plan for computer science education

(R.C. 3301.23)

The bill requires the Department, in consultation with the Chancellor, to establish a committee to develop a state plan for primary and secondary computer science education in Ohio. The committee must be established within 30 days of the bill's effective date. It must consist of:

1. The Superintendent of Public Instruction, or designee;
2. The Chancellor, or designee;
3. Computer science stakeholders appointed by the state Superintendent, in consultation with the Chancellor that include representatives of:
 - a. Teachers;
 - b. Career-technical education;
 - c. Institutions of higher education;

- d. Businesses; and
- e. State and national computer science organizations.

In developing the state plan, the committee must consider:

1. Best practices and challenges associated with implementing primary and secondary computer science curriculum in Ohio;
2. Demographic data for students who receive computer science education;
3. Benchmarks to create a sustainable supply of teachers certified to provide computer science education;
4. Best practices to form public and private partnerships for funding, mentoring, and internships for teachers providing computer science instruction;
5. A requirement for all students to complete a computer science course prior to high school graduation;
6. The establishment of a work-based learning pilot program that:
 - a. Includes high schools, universities, and local industry; and
 - b. Permits the Department and the Chancellor to develop pathways to align computer science education in Ohio with the state’s workforce needs.
7. Any other topics determined appropriate by the committee.

The state plan must include:

1. Any examination of the challenges that prevent school districts from offering computer science courses;
2. A requirement that the Department collect data regarding computer science courses offered by school districts and school buildings operated by districts, including the names of courses and whether the courses were developed using the standards and model curriculum adopted by the State Board, and post that data on its website; and
3. Any findings the committee determines appropriate based on its consideration of the topics described above.

The bill requires the committee to complete the state plan within one year of the bill’s effective date. The Department must post the completed state plan in a prominent location on its website.

Public school students and computer science courses

(R.C. 3301.231 and 3301.232; conforming changes in R.C. 3314.03 and 3326.11)

Option to enroll

The bill requires that, generally, students enrolled in city, local, exempted village, and joint vocational school districts, community schools, and STEM schools must have the option to enroll in computer science courses or general education courses that include computer science principles. Specifically, it requires that:

1. For the 2022-2023 school year and after, students in 11th and 12th grades must have the option to enroll in a computer science course offered by the student's district or school, or an online computer science course offered by an educational provider and approved by the Department;

2. For the 2023-2024 school year and after, students in 9th and 10th grades must have the option to enroll in an age-appropriate, standalone computer science course offered by the student's district or school, or in an online computer science course offered by an educational provider and approved by the Department; and

3. For the 2024-2025 school year and after, students in grades K-8 must have the option to enroll in an age-appropriate general education course that incorporates computer science principles and is offered by the student's district or school.

However, the bill specifies these requirements must not be construed as prohibiting a district or school from offering computer science courses, or general education courses that incorporate computer science principles, to students enrolled in any of grades K-12.

Courses offered by public schools

The bill generally requires school districts, community schools, and STEM schools to offer computer science or general education courses as described above. However, it also creates a procedure for a school district board of education, community school governing authority, or STEM school governing body to request a waiver from offering courses in a specific school building.

The state Superintendent must consider each waiver request and either approve or disapprove the waiver based on standards adopted by the State Board. For an approved waiver, the state Superintendent must specify how long the waiver will be in effect, which may be for up to five years. A district board, governing authority, or governing body may apply to renew the waiver.

Additionally, the bill requires districts and schools annually to submit to the Department, in a form and manner prescribed by the Department, data reporting the number of students enrolled in computer science courses and the type of such courses. The type of courses must be disaggregated by the course code and whether the course is offered by the district or an educational provider.

Courses offered by educational providers

The bill requires the Department, in consultation with computer science stakeholders, to establish a program to provide high school students with access to online computer science courses as described above. Under the program, the Department must develop a process to solicit and review proposals from educational providers to offer online computer science courses. The Department must only approve a proposal if:

1. Each course included in the proposal is high-quality, rigorous, and aligned with the State Board's standards and model curriculum; and

2. A student may earn high school credits that apply to the state's minimum curriculum requirements prescribed under continuing law in each course included in the proposal.

The Department must determine a method to calculate and make payments to educational providers who enroll students in online computer science courses approved by the Department. The bill requires that the “method shall be deducted” from the foundation payments made to a participating student’s district or school, in a manner similar to how the Department calculates and makes payments under the College Credit Plus (CCP) program.

Department’s rulemaking authority

The bill requires the Department to adopt rules to implement its provisions regarding computer science and general education courses and the offering of those courses. Additionally, it expressly states that those provisions do not affect CCP.

Other computer science education provisions

Annual report

(R.C. 3301.233)

The bill requires the Department, in consultation with the Chancellor, to issue an annual report on computer science education that includes information regarding:

1. School districts, community schools, and STEM schools that offer computer science courses;
2. The types of computer science courses offered by districts and schools;
3. The number of teachers who hold a valid educator license or license endorsement in computer science or any other areas determined appropriate by the Department, in consultation with the Chancellor; and
4. The type of computer science courses, and the grade levels for those courses, taught by teachers who hold a license or endorsement described above.

The bill further requires that information to be disaggregated by:

1. Region of the state;
2. For school districts, whether the district is urban, rural, or suburban, and any other classification determined appropriate by the Department, in consultation with the Chancellor; and
3. Demographic data of students enrolled in computer science courses, including race and ethnic group, gender, and whether the students are economically disadvantaged, and that such data be reported by district or school and computer science course code.

Finally, the report must include the number of undergraduate students who study computer science in Ohio institutions of higher education, disaggregated by region of the state, student demographics, and, if data is available, student participation in a pathway partnership in the previous five-year period.

Computer science education licensure exemption

(Section 733.61 of H.B. 166 of the 133rd General Assembly as amended in Section 610.10 of the bill)

The bill extends through the 2022-2023 school year an exemption that permits a school district, community school, or STEM school to allow an individual with a valid educator license in any of grades 7-12 to teach a computer science course if, prior to teaching the course, the individual completes a professional development program approved by the district superintendent or school principal. That program must provide content knowledge specific to the course the individual will teach. 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 elsewhere than the school district or school that employed the individual when the individual completed the professional development program.

Beginning July 1, 2023, a district or school may allow an individual to teach a computer science course only if the individual satisfies the requirements of permanent law, unchanged by the act. That law requires an individual who teaches computer science either to (1) hold an educator license in computer science, (2) hold a license endorsement in computer technology and pass a computer science context examination, or (3) hold a supplemental teaching license for computer science.

Licenses and endorsements to teach computer science

(R.C. 3319.236 and Section 733.61 of H.B. 166 of the 133rd General Assembly as amended in Section 610.10 of the bill)

The bill specifies that, for the purposes of computer science licensure or endorsements, “computer science courses” means any courses reported in the Education Management Information System (EMIS) as computer science courses.

State Board’s standards and curriculum

(R.C. 3301.079)

The bill requires the State Board to update its standards and curriculum for computer science education within one year of the bill’s effective date.

Effects of vaping – school district health curriculum

(R.C. 3313.60(A)(5))

The bill requires school districts to include instruction on the harmful effects and legal restrictions against the use of electronic smoking devices (vaping) in its health education curriculum. This is in addition to the requirement to provide instruction on the harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco, as required by continuing law.

Victim counseling

(R.C. 3319.47)

The bill permits school districts, other public schools, and chartered nonpublic schools to provide counseling to victims of sexual harassment or sexually related conduct.

Obsolete reports, plans, or recommendations

(R.C. 3311.741, 3313.488, 3313.603, 3314.013, and 3314.017; Repealed R.C. 3301.0724, 3301.122, 3301.46, 3301.922, 3313.901, 3314.033, and 3314.37)

The bill eliminates the following education-related reports, plans, and recommendations that are out-of-date, expired, or no longer have data available:

Section number	Description
R.C. 3301.0724 (Repealed)	An annual report by the Department of Education to the General Assembly regarding aggregate spending on specified compensation components for the previous school year for teachers and other school employees employed by each school district.
R.C. 3301.122 (Repealed)	A ten-year strategic plan developed by the Superintendent of Public Instruction that is aligned with the strategic plan developed for higher education to be submitted to the General Assembly (due December 1, 2009).
R.C. 3301.46 (Repealed)	A joint plan proposing a standard method and form for documenting high school transcripts, credit transfer and articulation, and any electronic clearing house for student transcript transfer developed jointly by the Department and the Chancellor of Higher Education (due April 30, 2009).
R.C. 3301.922 (Repealed)	An annual report regarding participation by public and chartered nonpublic schools to screen students for body mass index and weight status to be submitted by the Department to the Governor and the General Assembly.
R.C. 3311.741(E)	A report evaluating a municipal school district's performance to be submitted by the state Superintendent to the Governor and the General Assembly (due November 15, 2017).
R.C. 3313.488(E)	A monthly report by the state Superintendent to the Speaker of the House and the President of the Senate for each month that a school district is unable to meet its expenses.
R.C. 3313.603(D)	A report that analyzes student performance data to determine if there are mitigating factors that warrant extending graduation qualification exemptions for students who entered 9 th grade between July 1, 2010 and July 1, 2016, by the Department, in collaboration with the Chancellor of Higher Education (due December 1, 2015).

Section number	Description
R.C. 3313.901 (Repealed)	A plan for accelerating the modernization of the career-technical education curriculum by the State Board of Education (to be presented July 1, 1990, with annual progress reports issued through FY 2000).
R.C. 3314.013(D)	Standards for operation of internet- or computer-based community schools (e-schools) by the Director of the Governor’s Office 21 st Century Education to the Speaker of the House and the President of the Senate (due July 1, 2012).
R.C. 3314.017(J)	Study committee recommendations regarding community schools that primarily serve students enrolled in dropout prevention and recovery programs that offer blended learning, portfolio learning, and credit flexibility to the General Assembly (due April 17, 2020).
R.C. 3314.033 (Repealed)	Recommendations by the State Board to the General Assembly regarding the standards governing the operation of e-schools and other educational courses delivered by electronic media (due September 30, 2003).
R.C. 3314.37 (Repealed)	A five-year research and development initiative to collect and analyze data with which to improve community school dropout prevention and recovery programs, known as the ISUS Institutes (initiative ended on June 30, 2013).