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## DEPARTMENT OF EDUCATION

### School Financing

#### Funding for FY 2020 and FY 2021

- Requires the Department of Education to pay each city, local, exempted village, and joint vocational school district 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 2020 and FY 2021 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 2020 and FY 2021 equals the formula amount for FY 2019 (\$6,020).

#### Student wellness and success funding

- Provides student wellness and success funds on a per pupil basis to city, local, and exempted village school districts based on quintiles of the percentages of children with family incomes below 185% of the Federal Poverty Guidelines.
- Provides 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 based on the per-pupil amount of this funding that is paid to each student's district of residence.
- Specifies that each school district, community school that is not an e-school, and STEM school must receive a minimum payment of student wellness and success funds of \$25,000 for FY 2020, and \$36,000 for FY 2021.
- Provides student wellness and success funds to each e-school equal to \$25,000 for FY 2020, and \$36,000 for FY 2021.
- Provides student wellness and success enhancement funds on a per-pupil basis to city, local, and exempted village school districts that received supplemental targeted assistance funding for FY 2019.

- Provides student wellness and success enhancement funds, on a full-time equivalency basis, to joint vocational school districts, community schools that are not e-schools, and STEM schools based on the per-pupil amount of enhancement funding that is paid to each student's district of residence.
- Requires each district and school to spend wellness and success funds and enhancement funds for specified purposes and to develop a plan for utilizing the funding in coordination with one or more specified organizations.
- Requires each district and school to submit a report to the Department after the end of each fiscal year describing the initiatives on which the district's or school's student wellness and success funds were spent.

### **Funding adjustments for TPP value changes**

- Eliminates the requirement that the Department deduct funds from a school district with more than a 10% increase in the taxable value of utility tangible personal property (TPP) subject to taxation in the preceding tax year when compared to the second preceding tax year.
- Requires the Department to credit districts for funds deducted due to such valuation increases between tax years 2017 and 2018.

### **Per-pupil guarantee (VETOED)**

- Beginning with FY 2022, would have guaranteed each city, local, and exempted village school district at least as much funding per pupil as the statewide per pupil amount paid for chartered nonpublic schools in Auxiliary Services funds and for administrative cost reimbursement (VETOED).

### **Funding adjustment for career-technical education**

- Requires the Department to adjust the amounts paid to certain school districts for FY 2020 and FY 2021 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.

### **School bus purchase assistance**

- Requires the Department of Education, in partnership with the Department of Public Safety, to develop a program to provide school bus purchase assistance, and to report to the General Assembly by January 31, 2020, how the program will operate.

### **School climate grants**

- Creates school climate grants for FY 2020 and FY 2021 for school districts, community schools, or STEM schools to implement positive behavior intervention and support frameworks or social and emotional learning initiatives.

## **Preschool funding, Montessori community schools**

- Requires the Department to pay each community school that operates a preschool program using the Montessori method as its primary method of instruction an amount equal to the formula amount for FY 2019 (\$6,020) for each student younger than age four.

## **Quality Community School Support Program**

- Establishes the Quality Community School Support Program, under which certain “community schools of quality” may receive additional per pupil payments.

## **Funding for groups of STEM schools**

- Requires the Department to pay all funds for each STEM school that operates within a group directly to the governing body of the group, and requires the governing body to distribute to each STEM school within the group the full amount determined by the Department for that school.
- Requires the Department to assign a separate internal retrieval number to each STEM school within a group.

## **Studies and reports**

- Requires the Department to study and make recommendations on the feasibility of new funding models for Internet- or computer-based community schools (e-schools) by December 31, 2019.
- Requires the Department to submit annual reports to the General Assembly describing the manner in which the Department partnered with educational service centers in the delivery of certain services during previous fiscal year.
- Requires the Department to conduct separate studies of economically disadvantaged students and preschool education by December 31, 2020.

## **High School Graduation and Testing**

### **High school graduation requirements**

- Beginning with the class of 2023, requires students enrolled in public and chartered nonpublic schools to qualify for a high school diploma by attaining a competency score on the English language arts II and Algebra I end-of-course exams and earning two state diploma seals.
- Permits students who do not attain a competency score on the English language arts II or Algebra I end-of-course exams to qualify for a high school diploma using an alternative demonstration of competency.
- Requires the Department, in consultation with the Chancellor of Higher Education and the Governor’s Office of the Workforce Transformation, to determine a competency

score on the English language arts II and Algebra I end-of-course exams by March 1, 2020.

- Requires the State Board of Education to develop a system of state diploma seals for the purpose of allowing students to qualify for a high school diploma.

### **At-risk students**

- Requires each public school and chartered nonpublic school, by June 30, 2020, to adopt a policy regarding students who are at risk of not qualifying for a high school diploma.
- Specifies that a policy must include criteria and procedures for identifying at-risk students and a process for providing written notification to the parent, guardian, or custodian of at-risk students.
- Requires each district or school to assist at-risk students with additional instructional and support services.

### **Graduation plans**

- Stipulates that each district or school must develop, and subsequently update, a graduation plan for every student enrolled in grades 9-12 and that the plan must be used to help identify at-risk students.

### **Recommendations regarding students retaking grade 12**

- Requires the Superintendent of Public Instruction, in collaboration with the Chancellor and the Office of Workforce Transformation, to establish a committee to develop policy recommendations regarding students who completed grade 12, but did not qualify for a high school diploma.
- Requires the committee to report its recommendations to the State Board and the General Assembly by October 1, 2020.

### **Changes to end-of-course exams**

- Eliminates the end-of-course exams for English language arts I and, if a federal waiver is received, geometry.
- Specifies students must complete the English language arts II, Algebra I, science, American history, and American government end-of-course exams, but only the English language arts II and Algebra I end-of-course exams are required for graduation.
- Requires the state Superintendent or designee, after the State Board determines the five ranges of scores for the end-of-course exams, to conduct a public presentation before the House and Senate standing committees that consider primary and secondary legislation.
- Prohibits the State Board from setting a new minimum cumulative performance score for the end-of-course exams after October 17, 2019.

- Prohibits requiring a student to retake the English language arts II and Algebra I end-of-course exams in grades 9-12 if the student received a proficient score or higher, or achieved a competency score, prior to grade 9.

## **State Report Cards**

### **Value-added progress dimension**

- Changes the grading scale used to determine letter grades assigned for the value-added progress dimensions on the report card.
- Permits the State Board to award a district or building an overall value-added progress dimension grade of “A” if the grades for the district or building’s subgroup value-added dimension score is a “C” or higher, instead of a “B” or higher as under prior law.

### **Preliminary data and community schools at risk of closure**

- Requires the Department to annually submit preliminary data for state report cards and community schools at risk of closure.

### **Amendment to data for report card calculations**

- Requires the Department to accept an amendment to data submitted by a school district for the calculation of the 2018-2019 report card, if there are extenuating circumstances and if the district provides adequate information to explain and support the amended data to the Department by August 10, 2019.

### **Study committee**

- Establishes a study committee to evaluate how performance measures, components, and the overall grade on the state report card are calculated and to report its findings to the General Assembly by December 15, 2019.

### **Dropout recovery school report cards**

- Specifies that the state test passage rate measure on the dropout recovery report card must include the percentage of 12<sup>th</sup> grade students who have attained the “designated” passing score on all high school assessments or the “cumulative” performance score on the end-of-course exams, whichever applies.
- Requires the Department of Education to reissue 2017-2018 and 2018-2019 overall ratings for each dropout recovery community school using the new state test passage rate measure and provides a limited exemption from closure based upon the reissued ratings.

### **Study committee, dropout recovery school report cards**

- Requires the State Board to coordinate a committee to study the classification, authorization, and report card ratings of community schools that primarily serve students enrolled in dropout prevention and recovery programs that offer two or more of the following models: blended learning, portfolio learning, or credit flexibility.

- Requires the State Board to submit the committee’s recommendations to the General Assembly by April 17, 2020.

## **Community Schools**

### **Community school mergers**

- Establishes a procedure by which two or more community schools may merge, which includes adopting a resolution, notifying the Department, and entering into a new contract with the surviving community school’s sponsor.
- Clarifies that participating in a merger does not exempt a community school from the issuance of report card ratings or the laws regarding permanent closure.
- Makes a community school ineligible to participate in a merger if it (1) has received certain failing grades on one of two most recent report cards or (2) has been notified of the sponsor’s intent to terminate or not renew the school’s sponsorship contract.

### **Sponsor evaluations**

- Decreases the frequency of the evaluation of any community school sponsor rated “effective” or “exemplary” for three or more consecutive years to once in each three-year period.
- Requires the Department to recalculate the rating for the 2017-2018 school year for the sponsor of a dropout recovery community school that itself receives a recalculated rating for that school year based on the act’s revised test passage report card measure.
- Permits a community school sponsor to review the information used to determine its “academic performance” component of its evaluation at the same time it reviews information used to determine “adherence to quality practices” and “compliance with laws and rules” under continuing law.

### **Finding for recovery verification**

- Limits a community school sponsor’s duty to annually verify that the Auditor of State has not issued findings for recovery against specified persons to only those who have responsibility for fiscal operations or the authorization to spend money on behalf of a school.

### **Sponsor assurances**

- Reduces the filing frequency for sponsor opening assurances from once each year to once prior to the opening of a school’s first year of operation and, for brick-and-mortar schools, once more prior to the opening of operations from any new building.

### **Conversion schools reclassified as “start-up”**

- Reclassifies as a “start-up” community school a “conversion” community school that later enters into a sponsorship contract with an entity that is not a school district or educational service center.

## **Community school closure criteria**

- Changes the number of years of specified underperformance necessary for closure of community schools (including dropout recovery schools) from two of the three most recent school years to three consecutive school years.

## **Annual e-school reports**

- Requires each Internet- or computer-based community school (e-school) to prepare and submit an annual report to the Department on classroom size, teacher – student ratios, and in-person meetings with a student.
- Requires the Department to submit to the State Board a report regarding the information received by e-schools.

## **Lists of community school closures and “challenged” districts (PARTIALLY VETOED)**

- Requires the Department each year, to publish separate lists regarding community school closures, community schools at risk of closure, and “challenged” school districts.
- Would have required the lists be published by August 31 (VETOED).

## **Scholarship Programs**

### **Educational Choice (Ed Choice) scholarship**

- Specifies that if the number of applicants for an Ed Choice scholarship for a school year exceeds 90% of the maximum number prescribed by statute, the Department must increase the limit by 5%.
- Expands high school eligibility for Ed Choice scholarships.
- Accelerates the phased in eligibility for income-based Ed Choice scholarships to cover all grade levels, K-12, beginning with the 2020-2021 school year.
- Revises the method for computing a student’s Ed Choice scholarship by permitting the Department to subtract only tuition discounts for which all students attending the student’s nonpublic school may be eligible.
- Beginning with the 2020-2021 school year, requires the Department to conduct an annual priority application period for Ed Choice scholarships that begins on February 1 and runs for at least 75 days.
- Requires the Department to continue awarding scholarships after the priority application period ends, prorating the amount if the student receives a scholarship after the school year begins, and in the case of income-based scholarships, award them only if appropriated funds remain available.

## **Cleveland scholarship applications**

- Requires the Department, beginning with the 2020-2021 school year, to conduct two application periods for the Cleveland Scholarship Program.
- Specifies that the Department need not conduct a second application period if the scholarships awarded in the first period used the entire amount appropriated for a school year.

## **Other Provisions**

### **Academic distress commissions – moratorium**

- Prohibits the state Superintendent from establishing any new academic distress commissions until October 1, 2020.

### **Assessment requirements for chartered nonpublic schools**

- Permits chartered nonpublic schools that participate in state scholarship programs to administer an alternative assessment rather than the state achievement assessments for grades 3-8.
- Permits a chartered nonpublic school to develop a written plan to excuse a student with a disability from taking state assessments if certain conditions apply.

### **Nonpublic school administrative cost reimbursement**

- Permits up to \$446 per student to reimburse chartered nonpublic schools for administrative costs for FY 2020 and FY 2021.

### **Accredited nonpublic schools (VETOED)**

- Would have established a category of nonpublic schools called “accredited nonpublic schools” for private schools that are accredited by the Independent Schools Association of the Central States (VETOED).

### **Educational service centers**

- Specifically permits an educational service center (ESC) to apply for state or federal grants on behalf of school districts and community schools with which it has voluntary service agreements.
- Permits an ESC to enter into a contract to purchase supplies, materials, equipment, and services on behalf of a school district or political subdivision.
- Permits ESCs to participate in the school component of the Medicaid Program.

### **School breakfast programs**

- Requires the Department to establish a program under which qualifying higher-poverty public schools must offer breakfast to all students before or during the school day, but permits a district or school to choose not to establish a school breakfast program for financial reasons or if it already has a successful breakfast program or partnership in place.



- Requires the Department to submit a report on the breakfast program to the General Assembly and the Governor annually by December 31.

## **Student transportation**

- Prohibits a school district board from reducing the transportation it provides to students the district is not required to transport after the first day of the school year.
- Specifies that the annual medical examination for school bus drivers required under rules adopted by the State Board may be performed by the same individuals who may perform medical examinations for school bus drivers who are subject to State Highway Patrol rules.

## **Involuntary lease or sale of district property**

- Requires a school district to offer to lease or sell to community schools, STEM schools, and college-preparatory boarding schools located in the district real property that the district has not used for school operations for one year (rather than two years as under prior law).

## **Transfer of district territory**

- Permits electors residing in school district territory located within a township that is split between two or more school districts to petition for the transfer of territory to an adjacent school district.
- Requires an election on the proposed transfer if the petition is signed by at least 10% of electors within the territory voting in the last general election.
- Requires the district boards affected by the territory transfer and the board of township trustees to execute an equitable division of the funds and indebtedness between the districts and specifies that legal title to school property is transferred to the district gaining territory.

## **State minimum teacher salary schedule**

- Increases the minimum base salary for beginning teachers with a bachelor's degree from \$20,000 to \$30,000 and proportionally increases the minimum salaries for teachers with different levels of education and experience.

## **Alternative resident educator licenses**

- Requires applicants for an alternative resident educator license to have either a cumulative undergraduate grade point average (GPA) of 2.5 out of 4.0 or a cumulative graduate school GPA of 3.0 out of 4.0.
- Replaces the option to satisfy the training prerequisite for alternative resident educator licensure by completing a summer training institute offered by a nonprofit organization with the option to complete preservice training approved by the Chancellor of Higher Education.

## **“Properly certified or licensed” teachers, paraprofessionals (PARTIALLY VETOED)**

- Would have repealed the prohibition against school districts and STEM schools employing teachers to provide instruction in a core subject area who are not “properly certified or licensed” teachers (VETOED).
- Would have repealed the prohibition against school districts and STEM schools employing paraprofessionals to provide support in a core subject area in a program supported by federal Title I funds who are not “properly certified” paraprofessionals (VETOED).
- Exempts community schools from the prohibition against employing teachers of a core subject area unless they are “properly certified or licensed teachers,” or hiring paraprofessionals to provide support in a core subject area unless they are “properly certified paraprofessionals.”

## **Computer science teachers**

- Permits a school district, community school, or STEM school, for the 2019-2020 and 2020-2021 school years, to allow an individual with a valid educator license in any of grades 7-12 to teach a computer science course if the individual first completes an approved professional development program.
- Requires a district superintendent or school principal to 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.

## **Bright New Leaders for Ohio Schools**

- Eliminates the law that established the nonprofit corporation that initially created and implemented the Bright New Leaders for Ohio Schools Program and, instead, designates the Ohio State University Fisher College of Business and College of Education and Human Ecology as the administrators for the program.
- Requires the State Board to issue a professional administrator license for grades pre-K through 12 to individuals who complete the program.

## **FAFSA completion incentives**

- Requires the Department to establish a program that awards grants to school districts and educational service centers to organize activities that encourage and assist high school seniors to complete the Free Application for Federal Student Aid (FAFSA).

## **School child day-care programs**

- Clarifies that child day-care centers that serve preschool children and child day-care centers that serve school-age children must meet or exceed the standards adopted by the Director of Job and Family Services.

## **Behavioral prevention initiatives**

- Requires public schools to annually report to the Department on the types of behavioral prevention initiatives being used to promote healthy behavior and decision-making by students.
- Permits the Department to use these reports as a factor in distributing funding for prevention-focused behavioral initiatives.

## **Excessively absent students**

- Specifies that when determining whether a student is “excessively absent” a school district or school must consider only that student’s nonmedical excused absences and unexcused absences, rather than *all* excused and unexcused absences as under prior law.

## **Computer coding as foreign language**

- Requires a public school or chartered nonpublic school that requires a foreign language for high school graduation to accept one unit of computer coding instruction toward satisfying that requirement.
- Specifies that, if a student applies more than one course of computer coding toward the requirement, they must be sequential and progressively more difficult.

## **Show choir as physical education**

- Permits a school district board or chartered nonpublic school to substitute two full seasons of show choir to fulfill high school physical education requirements.

## **Athletics**

- Requires a school district, interscholastic conference, or organization that regulates interscholastic athletics to have uniform transfer rules for public and nonpublic schools.
- Permits any international student attending an Ohio elementary or secondary school and who holds an F-1 U.S. visa to participate in interscholastic athletics, regardless of whether the student’s school began operating a dormitory prior to 2014 (as stipulated under prior law).

## **Consolidated school mandate report**

- Eliminates (1) training on crisis prevention and intervention and (2) establishment of a wellness committee from the consolidated school mandate report that each district annually must file with the Department to denote compliance or noncompliance with the items contained in the report.

## **Department of Education performance audit**

- Requires the Auditor of State to conduct a performance audit of selected offices or programs within the Department of Education by October 1, 2020.

## English learners

- Changes references of “limited English proficient student” to “English learner” to align with federal law.

## School Financing

(R.C. 3314.088, 3317.0219, 3317.163, 3317.26, and 3326.42; Sections 265.210, 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.

The act retains the school financing system in existing law, but it suspends use of that formula for school districts for FY 2020 and FY 2021 and, instead, provides for payments to be made based on FY 2019 funding. It also provides for deductions and transfers for community school and STEM school students as prescribed under existing law. For a more detailed description of the act’s school financing provisions, see the LBO Greenbook for the Department of Education and the LSC Comparison Document for the act. From the LSC home page, [www.lsc.ohio.gov](http://www.lsc.ohio.gov), click on “Budget Central,” then on “Main Operating – H.B. 166,” and then on “EDU” under “Greenbooks” or on “Comparison Document.”

## Funding for FY 2020 and FY 2021

(Sections 265.210, 265.215, 265.220, 265.225, 265.230, and 265.235)

### School districts

For FY 2020 and FY 2021, the act requires the Department of Education 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 2020 and FY 2021 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 2020 and FY 2021, the act 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 act 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 2020 and FY 2021, 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 2020 and FY 2021 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 2020 and FY 2021 equals \$6,020 (as with payments for community schools and STEM schools under the act).

## **Student wellness and success funding**

(R.C. 3314.088, 3317.0219, 3317.163, 3317.26, and 3326.42; Section 265.210)

The act requires the Department to make a new payment for student wellness and success to all school districts, community schools, and STEM schools. 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.

### **Student wellness and success funds**

#### **City, local, and exempted village school districts**

The Department must pay student wellness and success funds to city, local, and exempted village school districts on a per pupil basis. For this payment, a district's total student count is the total number of students who were enrolled in the district for the preceding fiscal year.

The per-pupil amounts for this payment range from \$20 to \$250 for FY 2020, and \$30 to \$360 for FY 2021. To determine each district's per pupil amount, the Department must group the districts into quintiles each fiscal year based on the percentages of children with family incomes below 185% of the Federal Poverty Guidelines, using the most recent five-year estimates published by the U.S. Census Bureau in the American Community Survey. 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. Each district, however, must receive a minimum aggregate payment of \$25,000 for FY 2020 and \$36,000 for FY 2021 (unless the district has fewer than five enrolled students).

## **Joint vocational school districts, community and STEM schools**

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 in the preceding fiscal year, 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. Each district or school must receive a total minimum aggregate payment of \$25,000 for FY 2020, and \$36,000 for FY 2021.

The act does not provide a per-pupil payment for e-schools. Instead, it requires the Department to pay each e-school \$25,000 for FY 2020, and \$36,000 for FY 2021.

## **Student wellness and success enhancement funds**

### **City, local, and exempted village school districts**

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. Again, for this payment, a district's total student count is the total number of students who were enrolled for the preceding fiscal year.

This payment equals the product of:

- \$50, for FY 2020, or \$75, for FY 2021; times
- The square of the quotient of the district's percentage of children residing in the district with family incomes below 185% of the Federal Poverty Guidelines divided by 36%; times
- The district's total student count.

### **Joint vocational school districts**

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 in the preceding fiscal year, the per-pupil amount of student wellness and success enhancement funds paid 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.

## **Spending requirements**

Districts and schools must spend student wellness and success funds and enhancement funds for any of the following initiatives or a combination of any of them:

- Mental health services;
- Services for homeless youth;
- Services for child welfare involved youth;

- Community liaisons;
- Physical health care services;
- Mentoring programs;
- Family engagement and support services;
- City Connects programming;
- Professional development regarding the provision of trauma informed care;
- Professional development regarding cultural competence; and
- Student services provided prior to or after the regularly scheduled school day or any time school is not in session.

They must develop plans for utilizing student wellness and success funding and enhancement funding in coordination with at least one of the following community partners: a board of alcohol, drug, and mental health services; an educational service center; a county board of developmental disabilities; a community-based mental health treatment provider; a board of health of a city or general health district; a county board of job and family services; a nonprofit organization with experience serving children; or a public hospital agency.

Finally, each district and school, after the end of each fiscal year, must submit a report to the Department describing the initiatives on which the funds were spent.

## **Funding adjustments for TPP value changes**

(R.C. 3317.028)

The act eliminates the requirement that the Department deduct funds from a school district with more than a 10% increase in the taxable value of utility tangible personal property (TPP) subject to taxation in the preceding tax year when compared to the second preceding tax year.

It does not make any changes to the requirement that the Department make a payment to a school district with more than a 10% decrease in the taxable value of utility TPP subject to taxation in the preceding tax year when compared to the second preceding tax year.

## **Per-pupil guarantee (VETOED)**

(R.C. 3317.28)

The Governor vetoed a provision that, beginning with FY 2022, would have guaranteed each city, local, and exempted village school district at least as much funding per pupil as the statewide per pupil amount paid for chartered nonpublic schools in Auxiliary Services funds<sup>34</sup>

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<sup>34</sup> 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, tutoring and other special services, provision of language and academic support

and for administrative cost reimbursement.<sup>35</sup> (For FY 2019, the statewide per pupil amount paid for chartered nonpublic schools in Auxiliary Services funds and for administrative cost reimbursement was approximately \$1,305.)

## **Funding adjustment for career-technical education**

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

The act requires the Department to adjust the amounts paid to certain school districts for FY 2020 and FY 2021 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.

## **School bus purchase assistance**

(Section 265.324)

The act requires the Department of Education, in partnership with the Department of Public Safety, to develop a program to provide school bus purchase assistance and, by January 31, 2020, to report to the General Assembly how the program will operate.

## **School climate grants**

(Section 265.325)

For FY 2020 and FY 2021, the act creates a School Climate Grants program to provide grants to school districts, community schools, and STEM schools to implement positive behavior intervention and support frameworks, social and emotional learning initiatives, or both, in school buildings that serve any of grades K-3.

The Superintendent of Public Instruction must prescribe an application form, establish procedures for considering and approving grant applications, and determine the amount of the grant awards.

However, the state Superintendent must award grants based on the following order of priority:

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services and other accommodations for English language learners, and procurement of security services (R.C. 3317.06).

<sup>35</sup> Each chartered nonpublic school may be reimbursed for administrative and clerical costs incurred as a result of complying with state and federal recordkeeping and reporting requirements (R.C. 3317.063, not in the act). (See also “**Nonpublic school administrative cost reimbursement**” below.)



First, to applicants whose proposal serves one or more eligible school buildings in which the percentage of economically disadvantaged students, as determined by the state Superintendent, is greater than the statewide average percentage;

Second, to applicants whose grant proposal serves one or more eligible school buildings with high suspension rates, as determined by the state Superintendent; and

Third, to other applicants in the order in which their applications were received.

If the amount appropriated in a fiscal year is insufficient to provide grants to applicants with the top priority level, the state Superintendent must first award grants within that level to applicants whose proposal serves one or more eligible schools that previously have not been served through a school climate grant.

A maximum grant amount of \$5,000 may be awarded in each fiscal year for each eligible school building in an applicant's grant proposal, for up to ten schools per proposal (total of \$50,000).

## **Preschool funding, Montessori community schools**

(R.C. 3314.06; Section 265.20)

The act requires the Department to pay each community school that operates a preschool program using the Montessori method an amount equal to the formula amount for FY 2019 (\$6,020) for each student younger than age four.

Otherwise, payments for nondisabled students enrolled in preschool programs are not authorized in the Revised Code. Instead, these payments are authorized under an uncodified provision of the act.<sup>36</sup>

## **Quality Community School Support Program**

(Section 265.335)

The act creates for FY 2020 and FY 2021 the Quality Community School Support Program. Under the program, the Department must pay each "community school of quality" \$1,750 in each fiscal year for each student identified as economically disadvantaged and \$1,000 in each fiscal year for each student who is not identified as economically disadvantaged.

The act designates four separate types of "community schools of quality," each with its own indicators. A school designated as a "community school of quality" maintains that designation for two fiscal years. The indicators for the types of community schools of quality are described in the table below.

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<sup>36</sup> See Section 265.20 of the act.

Indicators of quality	Type 1	Type 2	Type 3	Type 4
School's sponsor is rated "exemplary" or "effective" on sponsor's most recent evaluation.	✓	✓	✓	✓
School's two most recent performance index scores are higher than the school district in which school is located.	✓			
School's most recent overall grade for value added is "A" or "B" or school is in its first or second year of operation and did not receive a value-added grade.	✓			
At least 50% of enrolled students are economically disadvantaged.	✓			✓
The school either (1) is in its first year of operation, or (2) is in its second or third year of operation, opened as a kindergarten only school, and has added one grade level each year.		✓		
The school replicating the operational and instructional model used by a <b>Type 1</b> school of quality.		✓		
School contracts with an operator that operates schools in separate states.			✓	✓
One of the operator's schools received funding through the Federal Charter School Program or the Charter School Growth Fund.			✓	
One of the operator's out-of-state schools performed better than the school district in which the in-state school is located, as determined by the Department.				✓
Operator is in good standing in all states.				✓
Operator does not have financial viability issues preventing it from effectively operating a community school in Ohio.				✓

## **Funding for groups of STEM schools**

(R.C. 3326.031; conforming changes in R.C. 3326.33, 3326.34, 3326.36, 3326.37, and 3326.41)

Continuing law authorizes STEM schools that operate from multiple facilities located in one or more school districts to operate within a group directed by a single governing body. The act makes two changes regarding this type of STEM school.

First, it requires the Department to pay all funds for each STEM school that operates within a group to the governing body of the group, rather than directly to each school as under prior law. The governing body then must distribute to each STEM school within the group the full amount determined by the Department for that school.

Second, the act requires the Department to assign a separate internal retrieval number (IRN) (building identification number) to each STEM school within a group.

## **Study of e-school funding models**

(Section 265.470)

The act requires the Department to study and make recommendations on the feasibility of new funding models for Internet- or computer-based community schools (e-schools). In doing so, the Department must consider (1) models based on student subject matter competency and course completion and (2) models of other states, including Florida and New Hampshire. The Department must submit the study to the General Assembly by December 31, 2019. Under continuing law, an e-school's per-pupil funding is calculated by comparing the total number of hours of learning opportunities offered to a student with the number of documented hours the student actually spent participating in learning activities.<sup>37</sup>

## **Report on partnership with educational service centers**

(Section 265.505)

The act requires the Department, by December 31, 2020, and 2021, to submit reports to the General Assembly describing the manner in which the Department partnered with educational service centers (ESCs) in delivery of services regarding academic standards, accountability and report cards, literacy improvement, and educator preparation for which state funding was provided to ESCs for the previous fiscal year.

## **Other school financing studies**

(R.C. 3317.60)

The act requires the Department to conduct separate studies of economically disadvantaged students and preschool education. Each study must be submitted by December 31, 2020, to the President and Minority Leader of the Senate, Speaker and Minority

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<sup>37</sup> See R.C. 3314.08(H)(3) and 3314.27, latter not in the act.

Leader of the House, and members of the standing committees of the House and Senate that consider legislation regarding primary and secondary education.

In conducting the study of economically disadvantaged students, the Department must (1) review the criteria used in the current school funding formula to define “economically disadvantaged students” in order to determine the effectiveness of the criteria and (2) research how other states define “economically disadvantaged students” and how “economically disadvantaged students” are addressed in other states’ school funding formulas.

In conducting the study of preschool education, the Department, in consultation with the Department of Job and Family Services and stakeholder groups determined appropriate by the Department, must prepare a report including both (1) a review of early childhood initiatives in Ohio, including preschool, Head Start, and other early learning opportunities for young children, and (2) information regarding how other states support early learning opportunities for young children.

## **High School Graduation and Testing**

### **High school graduation requirements**

(R.C. 3301.0712, 3301.0714, 3313.618, and 3313.6114; conforming in R.C. 3313.6110, 3314.03, 3326.11, and 3328.24)

The act establishes a new set of high school graduation requirements for students attending school districts, community schools, STEM schools, college-preparatory boarding schools, and chartered nonpublic schools. Students who entered 9<sup>th</sup> grade for the first time on or after July 1, 2019 (the class of 2023) must meet the new requirements to qualify for a high school diploma. It also permits students who entered 9<sup>th</sup> grade for the first time on or after July 1, 2014, but prior to July 1, 2019 (the classes of 2018 through 2022), to qualify for a diploma by meeting the new requirements, rather than the requirements specified for them under continuing law.

Under the new graduation requirements, a student must demonstrate competency in English language arts and math by attaining a “competency score” on the English language arts II and Algebra I end-of-course exams. If a student fails to attain a competency score on one or both of the end-of-course exams, the student still may meet the requirements through alternative demonstrations of competency. Finally, each student also must earn two state diploma seals from a system of state diploma seals prescribed by the State Board, at least one of which must be statute-defined (see “**State diploma seals**” below).

The Department, in consultation with the Chancellor of Higher Education and the Governor’s Office of Workforce Transformation, must determine a competency score for the English language arts II and Algebra I end-of-course exams by March 1, 2020. Additionally, the individualized education program of a student receiving special education services must specify the manner in which the student will participate in assessments related to the new graduation requirements.

## Alternative demonstrations of competency

The act permits a student who does not attain a competency score on one or both of the English language arts II and Algebra I end-of-course exams to still qualify for a high school diploma using an alternative demonstration of competency. However, prior to being allowed to do so, the student's district or school must offer remedial support to the student, and the student must retake any end-of-course exam on which the student did not attain a competency score. If the student fails to attain a competency score on a second administration of an end-of-course exam, the student is then permitted to use a specified alternative demonstration of competency.

The alternative demonstrations are: (1) earning course credit through the College Credit Plus program in the failed subject area, (2) providing evidence that the student has enlisted in the U.S. armed forces, or (3) completing both a "foundational" option and either another "foundational" option or a "supporting" option.

"Foundational" options include:

- Earning a score of proficient or higher on three or more state technical assessments in a single career pathway;
- Obtaining an industry-recognized credential;
- Completing a pre-apprenticeship or apprenticeship in the student's chosen career field; or
- Providing evidence of acceptance into an apprenticeship program after high school that is restricted to participants age 18 or older.

"Supporting" options include:

- Completing 250 hours of work-based learning with evidence of positive evaluations;
- Obtaining an OhioMeansJobs-readiness seal; or
- Attaining a workforce readiness score, as determined by the Department of Education, on the national-recognized job skills assessment (the WorkKeys assessment) selected by the State Board under continuing law.

## State diploma seals

The act requires the State Board to establish a system of state diploma seals, which may be attached to a student's high school diploma, for the purpose of qualifying for graduation.

The system consists of 12 state diploma seals. Two of them, the State Seal of Biliteracy and the OhioMeansJobs-Readiness Seal, are already established under continuing law. The ten new state diploma seals, created under the act, can be separated into two categories: *statute-defined seals*, which generally have requirements that are specified in statute, and *school-defined seals*, which have requirements that are largely aligned with guidelines adopted by a student's district or school. (For more information on the individual seals, see the table below.) A student must attain at least two state diploma seals to qualify for graduation, and at least one

of those seals must be the State Seal of Biliteracy, the OhioMeansJobs-Readiness Seal, or one of the act's statute-defined seals.

Of the ten new state diploma seals, seven are statute-defined and three are school-defined. A district or school must develop guidelines establishing a requirement for at least one of the school-defined seals. A district or school also must maintain appropriate records to identify students who have met the requirement of a new state diploma seal and attach a seal to the diploma and transcript of a student enrolled in the district or school that meets the seal's requirement. However, the Department must provide each district or school with an appropriate mechanism to assign a new state diploma seal, and a student must not be charged a fee to be assigned a diploma seal.

State diploma seal	Continuing law, statute-defined, or school-defined	Requirements
State seal of Biliteracy <sup>38</sup>	Continuing law	Meet the requirements and criteria, including assessments of foreign language and English proficiency, set by the State Board.
OhioMeansJobs-readiness <sup>39</sup>	Continuing law	Meet the requirements and criteria, including demonstration of work-readiness and work ethic competencies such as teamwork, problem-solving, reliability, punctuality, and computer technology competency, set by the state Superintendent, in consultation with the Chancellor and the Governor's Office of Workforce Transformation.
Industry-recognized credential	Statute-defined	Attain an industry-recognized credential that is aligned with an in-demand job.
College-ready	Statute-defined	Attain a score that is remediation-free, in accordance with standards adopted under continuing law, on a nationally standardized assessment (ACT or SAT).
Military enlistment	Statute-defined	Either of the following: <ol style="list-style-type: none"> <li>1. Provide evidence of enlistment in a branch of the U.S. armed forces; or</li> <li>2. Participate in a Junior Reserve Officer</li> </ol>

<sup>38</sup> R.C. 3313.6111, not in the act.

<sup>39</sup> R.C. 3313.6112, not in the act.

State diploma seal	Continuing law, statute-defined, or school-defined	Requirements
		Training program approved by Congress under federal law.
Citizenship	Statute-defined	<p>Any of the following:</p> <ol style="list-style-type: none"> <li>1. Attain a proficient score or higher on both the American history and American government end-of-course exams;</li> <li>2. Attain a score that is the equivalent of proficient or higher on appropriate Advanced Placement or International Baccalaureate exams; or</li> <li>3. Attain a final course grade that is the equivalent of a “B” or higher in “appropriate courses” taken through the College Credit Plus Program.</li> </ol>
Science	Statute-defined	<p>Any of the following:</p> <ol style="list-style-type: none"> <li>1. Attain a proficient score or higher on the science end-of-course exam;</li> <li>2. Attain a score that is the equivalent of proficient or higher on an appropriate Advanced Placement or International Baccalaureate exam; or</li> <li>3. Attain a final course grade that is the equivalent of a “B” or higher in an “appropriate course” taken through the College Credit Plus Program.</li> </ol>
Honors diploma	Statute-defined	Meet the additional criteria for an honors diploma set by the State Board under continuing law.

State diploma seal	Continuing law, statute-defined, or school-defined	Requirements
Technology	Statute-defined	Any of the following: <ol style="list-style-type: none"> <li>1. Attain a score that is the equivalent of proficient or higher on an appropriate Advanced Placement or International Baccalaureate exam;</li> <li>2. Attain a final course grade that is the equivalent of a “B” or higher in an “appropriate course” taken through the College Credit Plus Program; or</li> <li>3. Complete a course offered through the district or school that meets guidelines developed by the Department. (A district or school is not required to offer a course that meets those guidelines.)</li> </ol>
Community service	School-defined	Complete a community service project that is aligned with guidelines adopted by a school district board of education or a school governing authority.
Fine and performing arts	School-defined	Demonstrate skill in the fine or performing arts according to an evaluation aligned with guidelines adopted by the district board or school governing authority.
Student engagement	School-defined	Participate in extracurricular activities such as athletics, clubs, or student government to a meaningful extent, as determined by guidelines adopted by the district board or school governing authority.

### Related EMIS changes

The act specifies that the state guidelines regarding the education management information system (EMIS) must include collecting data regarding the number of students who:

- Earn each state diploma seal;
- Use an alternative demonstration of competency to qualify for a high school diploma; and



- Complete each “foundational” and “supporting” option as part of an alternative demonstration of competency.

## **At-risk students**

(R.C. 3313.617; conforming changes in 3314.03, 3326.11, and 3328.24)

The act requires each school district, community school, STEM school, college-preparatory boarding school, and chartered nonpublic school, by June 30, 2020, to adopt a policy regarding students who are at risk of not qualifying for a high school diploma. The policy must include:

1. Criteria for identifying at-risk students. The criteria must include a student’s lack of adequate progress in meeting the terms of a graduation plan (see “**Graduation plans**” below). It may include other factors such as issues regarding excessive absences or misconduct.

2. Procedures for identifying at-risk students. The procedures must include a method for determining if a student is not making adequate progress in meeting the terms of a graduation plan and allow for a student to be identified as at risk in grades 9-12. Additionally, the procedures may allow for a student to be identified as at risk in other grade levels.

3. A notification process. The process must include notifying a student’s parent, guardian, or custodian in each year in which a student is identified as at risk. It must include at least a written notification with a statement that the student is at risk of not graduating and descriptions of the district or school’s curriculum requirements, the state graduation requirements, and additional instructional or support services available to at-risk students.

## **Assistance for at-risk students**

The policy must require the district or school to assist at-risk students with additional instructional and support services to help them qualify for a high school diploma. The instructional and support services may include any of the following:

- Mentoring programs;
- Tutoring programs;
- High school credit through demonstration of subject area competency under continuing law;
- Adjusted curriculum options;
- Career-technical programs;
- Mental health services;
- Physical health care services; or
- Family engagement and support services.

## **Graduation plans**

(R.C. 3313.617(E))

Under its at-risk student policy, a district or school must develop a graduation plan for every student in grades 9-12 that addresses the student's academic pathway to meet the curriculum requirements and satisfy the state graduation requirements. The graduation plan must be developed jointly by a student and a representative of the district or school and updated each school year until the student qualifies for a high school diploma. The district or school must invite a student's parent, guardian, or custodian to assist in developing and updating the plan.

Additionally, the graduation plan must supplement the policy on career advising under continuing law. The act also permits a public school to use the individualized education program (IEP), of a student with a disability, in lieu of developing a graduation plan if the IEP contains academic goals substantively similar to a graduation plan.

## **Recommendations regarding students retaking grade 12**

(Section 733.51)

The act requires the state Superintendent, in collaboration with the Chancellor and the Governor's Office of Workforce Transformation, to establish a committee to develop policy recommendations regarding methods to assist students who completed grade 12, but did not qualify for a high school diploma. The committee must consist of a representative of each of the following:

- Career-technical educators;
- Community colleges;
- Guidance counselors;
- Ohio technical centers;
- Principals;
- Superintendents; and
- Teachers.

The recommendations must include identifying assistance and supports to aid the students and the amount of state funding necessary to ensure adequate operation of the identified assistance and supports. They also must address methods to minimize the social stigma associated with not graduating on time. Finally, the recommendations may include any changes to the law or rules necessary to implement the identified assistance and supports.

The committee must issue a report that includes its recommendations to the State Board and the General Assembly by October 1, 2020.

## Changes to end-of-course exams

(R.C. 3301.0711 and 3301.0712)

Beginning with the class of 2023, the act eliminates the English language arts I and geometry end-of-course exams and stipulates that students will be required to complete only the (1) English language arts II, (2) science, (3) Algebra I, (4) American history, and (5) American government end-of-course exams. The act further specifies that only the English language arts II and Algebra I end-of-course exams will be required for graduation. The act requires the Department to seek a waiver from the U.S. Secretary of Education if necessary to implement the Algebra I end-of-course exam as the primary assessment of high school mathematics.

The act makes several other changes related to the end-of-course exams. First, the state Superintendent, or designee, must conduct a public presentation before the House and Senate committees that consider primary and secondary legislation regarding the range of scores on the end-of-course exams designated by the State Board. Next, it prohibits the State Board from setting a new minimum cumulative performance score for the end-of-course exams after October 17, 2019. Finally, it prohibits requiring a student to retake the Algebra I or English language arts II end-of-course exams in grades 9-12, if the student received a proficient or higher score, or attained a competency score, in an administration of the exam prior to grade 9.

## State Report Cards

### Value-added progress dimension

(R.C. 3302.03)

The act changes the grading scale used to determine letter grades assigned for the value-added progress dimension of the state report cards for school districts and buildings as follows:

1. A score that is at least one standard error of measure above the mean (rather than two as under prior law) is an "A."
2. A score that is less than one standard error of measure above but greater than one standard error of measure below the mean is a "B." (Under prior law, a "B" was a score at least one standard error of measure but less than two standard errors of measure above the mean.)
3. A score that is less than or equal to one standard error of measure below the mean score but greater than two standard errors of measure below the mean is a "C." (Under prior law, a "C" was a score less than one standard error of measure above the mean but greater than or equal to one standard error of measure below the mean.)
4. A score that is less than or equal to two standard errors of measure below the mean score but is greater than three standard errors of measure below the mean score is a "D." (Under prior law, a "D" was a score not greater than one standard error of measure below the mean but greater than or equal to two standard errors of measure below the mean.)
5. A score that is less than or equal to three standard errors of measure below the mean score is an "F." (Under prior law, an "F" was not greater than two standard errors of measure below the mean.)

The act also requires the State Board, in establishing its benchmarks for assigning letter grades to the value-added progress dimension, to assign a grade of “A” only to a district or building that receives a grade of “C” or higher on its value-added progress dimension grades for its subgroups. The subgroups include gifted students, students with disabilities, and students whose performance is in the lowest quintile for achievement. Under prior law, the subgroup grade had to be at least a “B” for a district or building to receive an “A” for the overall value-added progress dimension grade.

## **Preliminary data and community schools at risk of closure**

(R.C. 3302.03, 3314.017, and 3314.354)

The act requires the Department to annually submit both of the following by July 31:

- Preliminary state report card data for overall academic performance and for each separate performance measure for each school district and building; and
- Preliminary data on community schools at risk of becoming subject to permanent closure due to their report card grades.

## **Amendment to data for report card calculations**

(Section 265.530)

The act requires the Department to accept an amendment to data submitted by a school district for the calculation of a graded measure of the state report card. This applies only to data to be used for the report card for the 2018-2019 school year. The Department must accept the amended data if:

1. There are extenuating circumstances, including the death of a district’s Education Management Information System (EMIS) coordinator anytime during the collection of data for submission to be used for the 2018-2019 school year report card; and
2. The district provides adequate information to the Department by August 10, 2019, to explain and support the amended data.

## **State report card study committee**

(Section 265.510)

The act establishes a report card study committee, which must be appointed, convene its first meeting, and elect a chairperson by August 17, 2019. The committee must study how performance measures, components, and the overall grade on the state report card are calculated. It also must evaluate design principles for the state report card, its primary audience, and how report cards address student academic achievement, including whether the measures are appropriately graded to reflect student academic achievement. It must submit to the General Assembly a report about its study, including certain specified recommendations, by December 15, 2019.

The committee must consist of the following members:

- The state Superintendent or designee;

- The chairpersons of the standing committees of the House and Senate that consider primary and secondary education legislation;
- Two members of the House appointed by the Speaker;
- Two members of the Senate appointed by the Senate President; and
- Three superintendents, one each from a rural district, one from a suburban district, and an urban district, appointed by the Buckeye Association of School Administrators (BASA).

The committee must investigate at least the following matters related to the state report card:

- How many years of data should be included in, and how grades are assigned to, the progress component;
- How to structure the prepared for success component, including considering additional ways to earn points;
- How the gap closing component meets requirements established under federal law and applies to all schools;
- How the graduation component includes students with disabilities and mobile students; and
- Whether the overall grades should be a letter grade or some other rating system that clearly communicate the performance of school districts and other public schools to families and communities.

## **Dropout recovery school report cards**

(R.C. 3314.017 and 3314.351; Sections 812.20 and 812.30)

Dropout recovery community schools receive different state report cards than those for other public schools. Rather than letter grades, they are issued rating designations of “exceeds standards,” “meets standards,” and “does not meet standards.” The ratings are based on (1) graduation rates of various student cohorts, (2) growth in student reading and math achievement, (3) annual measurable objectives, and (4) percentage of twelfth-grade students and other students within three months of their 22<sup>nd</sup> birthdays who attain a passing score on applicable state achievement assessments for graduation.

The act makes a few changes to this report card system. First it specifies that the state test passage rate must include the percentage of the specified students (1) who have attained the designated passing score on all high school assessments prescribed prior to July 1, 2014 (Ohio Graduation Tests), or (2) who have attained the cumulative performance score on the end-of-course exams, whichever applies. Prior law specified that the measure consist of only the percentage of those same students who attained the designated score on all applicable high school achievement assessments.

Next, the act requires the Department to recalculate the ratings for each dropout recovery school for the 2017-2018 school year and calculate the ratings for the 2018-2019 school year using the act's revised test passage measure.

Finally, it exempts from closure a dropout recovery school that receives a reissued overall rating of "meets standards" or "exceeds standards" for either year (see also "**Community school closure criteria**" below).

All of these provisions were effective July 18, 2019.

## **Study committee, dropout recovery school report cards**

(R.C. 3314.017)

The act requires the State Board to coordinate a committee to study the classification, authorization, and report card ratings of dropout recovery community schools that offer two or more of the following: (1) blended learning, (2) portfolio learning, or (3) credit flexibility (basing credit on demonstration of subject area competency).

The committee must consist of:

- One member of the Senate appointed by the Senate President;
- One member of the House appointed by the Speaker;
- One representative of the Governor's office; and
- One school district superintendent, and one chief administrator of a community school, each appointed by the State Board.

The State Board must submit the committee's recommendations to the General Assembly by April 17, 2020.

## **Community Schools**

### **Community school mergers**

(R.C. 3314.0211)

The act establishes a procedure by which two or more community schools may merge. However, it prohibits merger by a community school that has (1) met the performance criteria specified for automatic closure for at least one of the two most recent school years or (2) been notified of the sponsor's intent to terminate or not renew the school's contract.

#### **Procedure**

The governing authorities of the merging community schools must adopt a resolution and, within 60 days prior to its effective date, provide a copy of the resolution to the school's sponsor and inform the Department of the merger. Notice to the Department must include the effective date of the merger, the name of the surviving school, and the name of the surviving school's sponsor. The merger must take effect on July 1 of the year specified in the resolution.

The governing authority of the surviving community school, then, must enter into a new contract with the school's sponsor. The school must comply with this requirement regardless of any law, rule, or contractual right that might waive the need to enter into a new contract.

### **Assignment or assumption of existing contract prohibited**

Except in the case of the Department's Office of Ohio School Sponsorship, the act prohibits a sponsor from (1) assigning its existing contract with a merging community school to the sponsor of the surviving school or (2) assuming an existing contract from the sponsor of a school involved in a merger.

### **Report card ratings of surviving school**

The act clarifies that participating in a merger does not exempt a community school from automatic closure and requires the Department to issue report cards for the surviving school in accordance with continuing law. To that end, the Department must use all report card ratings associated with the surviving school, including those issued before the merger, when determining any matter that is based on report card ratings or measures, including whether the school has met the criteria for automatic closure.

## **Sponsor evaluations**

(R.C. 3314.016)

### **Frequency**

The act directs the Department to conduct evaluations for any sponsor rated "effective" or "exemplary" for three or more consecutive years only once every three years, instead of annually as under prior law.

### **Rating recalculation**

Under the act, the test passage measure on the state report card for dropout recovery community schools is revised to accommodate the end-of-course exams. It also requires that the report card ratings of affected schools for the 2017-2018 school year (the first year of those exams) are recalculated for purposes of the community school closure law. (See "**Dropout recovery school report cards**" above.) Accordingly, the act also requires the Department to recalculate the rating for that same school year for the sponsor of a dropout recovery community school that itself receives a recalculated rating.

### **Advance notice and review of information used to rate sponsor**

Under the act, a sponsor may review information used by the Department to calculate the "academic performance" component of its evaluation using the same process under continuing law for review of "adherence to quality practices" and "compliance with laws and rules" components.

In accordance with that process, the Department must not publish final sponsor ratings until it has established a review period of at least ten business days. If during that period, a sponsor discerns what it believes is an error in the evaluation of one or both of those components, the sponsor can request adjustments based on documentation previously

submitted as part of the evaluation. To support the requested adjustments, a sponsor must provide any necessary evidence or information.

The Department must review the evidence and information, determine whether an adjustment is valid, and promptly notify the sponsor of its determination and reasons. If adjustments could result in a change to the component ratings or the overall rating, the Department must recalculate the applicable ratings prior to publication of the final ratings.

## **Finding for recovery verification**

(R.C. 3314.02)

The act requires a community school sponsor to annually verify that the Auditor of State has issued no findings for recovery against (1) any individual proposing to create a community school or (2) any existing school's operator, individual governing authority member, or employee, but only if those persons have a responsibility for fiscal operations or authorization to expend money on behalf of the school. Prior law required a sponsor to annually verify that the Auditor of State had not issued a finding for recovery against all those persons regardless of their fiscal responsibilities.

## **Sponsor assurances**

(R.C. 3314.19)

The act reduces the number of times a community school sponsor must submit to the Department a list of assurances that each school it sponsors is in compliance with certain provisions of law. Under the act, a sponsor must submit the list for each school once when the school first opens for operation and, in the case of a brick-and mortar school, once again if it begins operation from a new building. In either case, the assurances must be submitted within ten days prior to opening day of instruction. Under prior law, a sponsor had to submit the assurances every year for each school it sponsors.

## **Conversion schools reclassified as “start-up”**

(R.C. 3314.02)

The act reclassifies as a “start-up” community school a “conversion” community school that later enters into a sponsorship contract with an entity that is not a school district or educational service center.

## **Community school closure criteria**

(R.C. 3314.35 and 3314.351; Section 812.10)

Effective July 18, 2019, the act changes the number of years of underperformance, as measured on the state report cards, that trigger the closure of a community school. First, it changes the number of times a community school that is not a dropout recovery school must receive state report card grades of “F” on specified graded measures before it must close, from two of the three most recent school years, to the three most recent school years. Similarly, in the case of a dropout recovery school, to trigger closure the school must receive a designation



of “Does Not Meet Standards” for the three most recent school years, rather than two of the three most recent school years as under prior law.

## **Annual e-school reports**

(R.C. 3314.21)

The act requires each Internet- or computer-based community school (e-school) to prepare and submit to the Department, in a time and manner prescribed by the Department, a report that contains information about:

- Classroom size;
- The ratio of teachers to students per classroom;
- The number of student-teacher meetings conducted in person or by video conference; and
- Any other information determined necessary by the Department.

It also requires the Department to annually prepare and submit to the State Board a report that contains the information received by the Department.

## **Lists of community school closures and “challenged” districts (PARTIALLY VETOED)**

(R.C. 3314.353)

The act requires the Department each year to publish separate lists of the following:

- Community schools that have become subject to permanent closure as required by law;
- Community schools that are at risk of becoming subject to permanent closure for academic underperformance; and
- All “challenged” school districts in which new start-up community schools may be located.

The act would have prescribed a deadline of August 31 for the Department to publish these lists, but the Governor vetoed that deadline.

## **Background on community schools**

Community schools (often called “charter schools”) are public schools that operate independently under a contract with a sponsoring entity. A conversion community school, created by converting an existing school, may be located in and sponsored by any school district or educational service center in the state. On the other hand, a “start-up” community school may be located only in a “challenged school district.” A challenged school district is any of the following: (1) a “Big-Eight” school district (Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo, or Youngstown), (2) a poorly performing school district as determined by the school’s performance index score, value-added progress dimension, or overall ratings on the state report card, or (3) a school district in the original community school pilot project area (Lucas County).

The sponsor of a start-up community school may be any of the following:

- The school district in which the school is located;
- A school district located in the same county as the district in which the school is located has a major portion of its territory;
- A joint vocational school district serving the same county as the district in which the school is located has a major portion of its territory;
- An educational service center;
- The board of trustees of a state university (or designee) under specified conditions;
- A federally tax-exempt entity under specified conditions;
- The Department's Office of Ohio School Sponsorship; or
- The mayor of Columbus for new community schools in the Columbus City School District under specified conditions. However, it does not appear that those conditions have been triggered and cannot be triggered now without further legislation.

## **Scholarship Programs**

### **Educational Choice (Ed Choice) scholarships**

#### **Limit on number of scholarships**

(R.C. 3310.02)

The act specifies that if the number of applicants for an Educational Choice (Ed Choice) scholarship for a school year exceeds 90% of the maximum number prescribed by statute (currently 60,000), the Department must increase the limit by 5% for the next year. The new limit then will be the maximum number available in subsequent school years until another adjustment is triggered.

#### **Eligibility of high school students**

(R.C. 3310.03; conforming changes in R.C. 3310.032 and 3310.035)

Beginning with the 2019-2020 school year, the act qualifies for a first-time Ed Choice scholarship a high school student who was previously enrolled in a public or nonpublic school in grades 8-11 or was homeschooled for those grades, if the student would be assigned to a building in any of grades 9-12 that either:

1. Received a grade of "D" or "F" for the four-year adjusted cohort graduation rate on two of the three most recent report cards; or
2. Is a building that otherwise qualifies the student for Ed Choice under continuing law (generally meaning that, for two of the three most recent school years, it received an overall "D" or "F" or an "F" for the value-added progress dimension measure on its state report cards).

Prior law qualified a high school student for a first-time scholarship, regardless the student's current school, only if the student would be assigned to a building that received a

grade of “D” or “F” for the four-year adjusted cohort graduation rate on two of the three most recent report cards. It did not specifically mention students currently enrolled in grades 8-11 or homeschooled students.

The act does state that students who received scholarships as entering high school students under that prior law may continue to receive scholarships as long as they continue to meet the law’s other eligibility criteria regarding district residency, attendance, and state achievement testing.

### **Income-based scholarships – expansion of grade bands**

(R.C. 3310.032)

The act expands eligibility for income-based Ed Choice scholarships to all students entering grades K-12 for the first time, beginning with the 2020-2021 school year.

The first year for the Ed Choice income-based scholarships was the 2013-2014 school year, for which year only kindergarten students could receive scholarships. For each subsequent year, the law provided for adding one next higher grade level until all grades are eligible for scholarships. Accordingly, for the 2018-2019 school year, it served grades K-5, and for the 2019-2020 school year, it will serve grades K-6. Thereafter, under the act, all grades will be eligible.

### **Scholarship computation**

(R.C. 3310.08)

The act revises the method for computing the amount of a student’s Ed Choice scholarship. Prior law specified only that the scholarship amount would be the lesser of the tuition charged by the student’s nonpublic school or the statutory maximum amount.<sup>40</sup> By administrative rule, “tuition” had been defined as the tuition of the school *minus* all financial aid, discounts, and adjustments for the student.<sup>41</sup> Instead, the act specifies that the amount to be discounted from a school’s tuition is limited to only certain discounts for which all students attending the school may be eligible. It specifically lists the deducted discounts as those related to the following conditions:

1. The student’s family has multiple children enrolled in the same school;
2. The student’s family is a member of, or affiliated with, a religious or secular organization that provides oversight of the school, or from which the school has agreed to enroll students;
3. The student’s parent is a school employee; or

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<sup>40</sup> The maximum Ed Choice scholarship is \$4,650 for grades K-8 and \$6,000 for grades 9-12 (R.C. 3310.09, not in the act).

<sup>41</sup> Ohio Administrative Code (O.A.C.) 3301-11-10.

4. Some other qualification, not based on income or the student's athletic or academic ability, and for which all students in the school may qualify.

Thus, under the act, a student's scholarship is the lesser of (1) the school's tuition minus the qualifying discounts or (2) the statutory maximum amount. Certain discounts that a student is awarded by the school or some other organization, such as a discount based on family income, will not be deducted from the scholarship.

### **Scholarship application periods**

(R.C. 3310.16)

The act replaces the requirement for two Ed Choice application periods each year with a single priority application period and a requirement to award scholarships after the priority period on a rolling basis. Beginning with the 2020-2021 school year, the Department must conduct a priority application period that begins on February 1 and runs for at least 75 days. After the priority period closes, the Department must continue awarding scholarships, prorating the amount if the student receives a scholarship after the school year begins, and in the case of income-based scholarships, award them only if the appropriated funds remain available.

### **Cleveland scholarship applications**

(R.C. 3313.978)

The act requires the Department, beginning with the 2020-2021 school year, to conduct two application periods for the Cleveland Scholarship Program. The first period begins on February 1 for the following school year and must last at least 75 days. The second period begins on July 1 of the school year for which a scholarship is sought and must last at least 30 days.

The act also requires the Department to determine by May 31 whether funds remain available for the program after the first application period. If the scholarships awarded in the first application period use the entire amount appropriated for that school year, the Department need not conduct a second application period. Conversely, if there are funds remaining, the Department must conduct a second application period.

## **Background on scholarship programs**

### **Ed Choice**

The Educational Choice (Ed Choice) Scholarship Program operates statewide in every school district except Cleveland to provide scholarships for students who (1) are assigned or would be assigned to district schools that have persistently low academic achievement or (2) are from low-income families. Under the income-based portion of the program, a student qualifies if the student's family income is 200% of poverty or below, but a student can continue to receive a reduced scholarship as family income increases up to 400% of poverty. Students may use their scholarships to enroll in participating chartered nonpublic schools.

For students who qualify based on the performance of their resident districts' schools, the scholarships are deducted from the districts' state aid accounts. For students who qualify based on family income, the scholarships are paid from a specific appropriation.

### **Pilot Project (Cleveland) Scholarship Program**

The Cleveland Scholarship Program allows students who are residents of the Cleveland Municipal School District to obtain scholarships to attend participating nonpublic schools. The scholarships are the lesser of the tuition charged by the alternative provider or the statutory maximum, which is the same as for Ed Choice. In general, scholarship students are not counted in Cleveland's average daily membership (ADM) for funding purposes. A portion of Cleveland's state aid has been earmarked in the state operating budget to be used to help fund this program. The rest of the funding for the program comes from the state general revenue funds (GRF) without any deduction from Cleveland.

### **Other Provisions**

#### **Academic distress commissions – moratorium**

(Section 265.520)

The act prohibits the state Superintendent from establishing any new academic distress commissions (ADCs) until October 1, 2020. Under continuing law suspended by the act, the state Superintendent must establish an ADC for any school district that receives three overall grades of "F" on the district's state report card. The act does not affect the previously established ADCs for Youngstown, Lorain, and East Cleveland school districts.

For a detailed description of continuing law on ADCs, see pp. 10-23 of the LSC Final Analysis of H.B. 70 of the 131<sup>st</sup> General Assembly at: <https://www.legislature.ohio.gov/download?key=2653&format=pdf>.

#### **Assessment requirements for chartered nonpublic schools**

(R.C. 3301.0711(K))

The act permits any chartered nonpublic school that participates in state scholarship programs to administer an alternative assessment to the state achievement assessments for grades 3-8. The alternative standardized assessment must be approved by the Department, and each chartered nonpublic school must report the results of each assessment to the Department.

#### **Students with disabilities**

(R.C. 3301.0711(C)(1)(c))

The act permits a chartered nonpublic school to develop a written plan to excuse a student with a disability from taking state assessments, if the following apply:

- The school, in consultation with the student's parents, determines that an assessment or alternative assessment with accommodations does not accurately assess the student's academic performance;

- The plan includes an academic profile of the student’s performance; and
- The plan is reviewed annually to determine if the student’s needs continue to require excusal from taking the assessments.

## **Nonpublic school administrative cost reimbursement**

(Section 265.180)

Under continuing law, each chartered nonpublic school may be reimbursed for administrative and clerical costs incurred as a result of complying with state and federal recordkeeping and reporting requirements. The act increases to \$446 the maximum amount per pupil that may be reimbursed to a school for FY 2020 and FY 2021. Law, notwithstanding for those fiscal years, but unchanged by the act, caps the amount at \$360.<sup>42</sup>

## **Accredited nonpublic schools (VETOED)**

(Sections 130.70, 130.71, and 130.73)

The Governor vetoed a provision that would have established a category of nonpublic schools called “accredited nonpublic schools” for private schools that are accredited by the Independent Schools Association of the Central States (ISACS). It would have:

1. Required accredited nonpublic schools to comply with minimum education standards adopted by the State Board of Education, but prohibited the State Board from prescribing additional operating standards for them;
2. Exempted accredited nonpublic schools from the state minimum high school curriculum and chartering requirements;
3. Maintained the exemptions from state achievement testing for non-scholarship high school students attending accredited nonpublic schools, including an exemption for scholarship students attending such schools from the testing requirements;
4. Exempted accredited nonpublic schools from the College Credit Plus (CCP) Program as long as students and parent are notified at enrollment that the school does not participate;
5. Permitted ODE to exercise limited oversight over the ISACS accreditation process of nonpublic schools, and permitted ODE to revoke a school’s designation if it failed to cooperate with ODE in its oversight;
6. Required accredited nonpublic school teachers to meet the standards set by ISACS for educator qualifications rather than the requirements under continuing law that requires a person to have a bachelor’s degree to teach in subjects other than foreign language, music, religion, computer technology, or fine arts;
7. Exempted an accredited nonpublic school from the requirement to post on its website the number of students enrolled in the school and the school’s policy regarding

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<sup>42</sup> R.C. 3317.063, not in the act.

background checks for teaching and nonteaching employees and for volunteers who have direct contact with students; and

8. Required a joint committee of the General Assembly to study the effects of the creation of accredited nonpublic schools and to submit a report with recommendations regarding expansion of the designation.

## **Educational service centers**

### **Application for grants**

(R.C. 3312.01)

The act adds applying for state or federal grants on behalf of a school district to the services an educational service center (ESC) may provide to school districts and community schools by way of a service agreement.

### **Contracting for districts and other political subdivisions**

(R.C. 3313.843)

The act permits an ESC to contract on behalf of school districts and other political subdivisions, with which it has service agreements, to purchase supplies, materials, equipment, and services on their behalf. The act further states that any school district, community school, or STEM school that has a service agreement with an ESC “shall be in compliance with federal law and exempt from competitive bidding requirements for personnel-based services pursuant to the authority granted to the Ohio Department of Education under federal law,” as long as the ESC:

- Has posted on its website a list of all the services it provides and the corresponding cost for each service, as required under continuing law;
- Has been designated as “high performing” under rule of the State Board;<sup>43</sup> and
- Has been found to be substantially in compliance with audit rules and guidelines in its most recent audit by the Auditor of State.

The act specifies that purchases made under this provision by a school district or political subdivision are in compliance with federal competitive bidding requirements for personnel-based services and exempt from any similar state statutes. Additionally, it prohibits a political subdivision from making purchases under this provision if the subdivision already has received bids for a purchase, unless the same terms, conditions, and specifications at a lower price can be made under this provision. Note, continuing state law requires school districts and ESCs to use complete bids only for the purchase or demolition of a school building valued over \$50,000 and the purchase of school buses.<sup>44</sup>

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<sup>43</sup> See O.A.C. 3301-105-01.

<sup>44</sup> R.C. 3313.46 and 3327.08, neither in the act.

## Ohio Medicaid school component

(R.C. 5162.01 and 5162.364)

The act permits ESCs to participate in the school component of the Medicaid program. The component permits participating qualified school providers to submit claims to the Department of Medicaid for Medicaid recipients. Schools may participate by obtaining a Medicaid provider agreement and meeting other conditions for participation.

## School breakfast programs

(R.C. 3313.813, 3313.818, and 3314.18)

The act requires the Department to establish a program, under which higher-poverty public schools must offer breakfast to all enrolled students before or during the school day. It applies to schools operated by school districts, community schools (except e-schools), and STEM schools. However, the act permits a district or school to choose not to establish a school breakfast program for financial reasons or if it already has a successful breakfast program or partnership in place.

The school district superintendent or a building principal, in consultation with building staff, must determine the model for serving breakfast under the program. Each breakfast must comply with federal meal patterns and state and federal nutritional standards. The school may charge students for meals, based on family income in accordance with federal requirements, to cover all or part of the costs incurred in operating the program.

The act phases in the program over three years, gradually lowering the threshold under which schools qualify for the program based on the percentage of enrolled students that qualify for free or reduced-price meals under federal requirements, as follows:

School year	Percentage of students that qualify for free or reduced-price meals
2020-2021	70%
2021-2022	60%
Each subsequent year	50%

The act requires the Department to publish a list of schools that qualify for the program annually by December 31. The Department also must provide statistical reports on its website specifying the number and percentage of students participating in breakfast programs, disaggregated by district and individual schools. And the Department must offer assistance to schools and school districts, including technical assistance in submitting claims for reimbursement under federal law.

Additionally, it annually must prepare a report on the implementation and effectiveness of the program and submit it to the General Assembly and the Governor, by December 31. The report must include the following:



- The number of students and participation rates in the breakfast program for each school building;
- The type of breakfast model used by each building; and
- The number of students and participation rates in free or reduced-price lunch for each building.

## **No reduction in school district transportation**

(R.C. 3327.015)

The act prohibits a school district board from reducing the transportation it provides to students the district *is not required* to transport after the first day of the school year.

For a detailed description of school transportation requirements, please see the LSC Members Only Brief, volume 132, issue 3, at <https://www.lsc.ohio.gov/documents/reference/current/membersonlybriefs/132transportationofstudents.pdf>.

## **Medical examinations for school bus drivers**

(R.C. 3327.10)

The act permits all of the following to perform the annual medical examination for school bus drivers required under rules adopted by the State Board:

- Persons licensed to practice chiropractic in Ohio or another state;
- Medical professionals listed on the National Registry of Certified Medical Examiners; and
- All of the medical professionals currently authorized to perform this examination under State Board rules (persons licensed to practice medicine or osteopathic medicine in Ohio or another state, physician assistants, certified nurse practitioners, clinical nurse specialists, and certified nurse-midwives).

Under continuing law, these same individuals may perform medical examinations for school bus drivers who are subject to State Highway Patrol rules rather than those of the State Board.

## **Involuntary lease or sale of district property**

(R.C. 3313.411)

The act requires a school district with real property that has been used for school operations since July 1, 1998, but has not been used for that purpose for one year, to offer to lease or sell that property to community schools, STEM schools, and college-preparatory

boarding schools located in the district. Under prior law, the district had to offer to lease or sell that property if it has not been used for school operations for two years.<sup>45</sup>

## **Transfer of district territory**

(R.C. 3311.242)

The act creates a new process for transferring territory between school districts (in addition to the other processes prescribed under continuing law). Under the act, electors residing in a school district's territory that is located within a township split between two or more school districts may petition for the transfer of territory to another school district. The board of the district that is losing territory must file the proposal, including a map of the territory's boundaries, with the State Board and certify the proposal to the county board of elections. The petition must be signed by at least 10% of electors residing within the territory that voted in the last general election.

Upon receiving a certified proposal, the board of elections must submit the proposal to electors within the territory to vote on in the next general or primary election, or in a special election specified in the certification. Any election must be at least 90 days after the date of the proposal's certification. It must be held in the same manner as a regular board of education election and the proposal must be approved by a majority vote.

If approved by the voters, the district board losing territory must notify the State Board of the election results, and the board of township trustees must enter into negotiations with the district board gaining territory regarding terms of the transfer. The district board gaining territory must file with the State Board the proposal and a copy of any formal agreement. The act specifies that the district board does not have to enter into an agreement. However, it is unclear whether the transfer may proceed without an agreement.

The State Board must approve the filed proposal and provide written notification of that approval to both affected districts. The act does not appear to give the State Board the discretion to reject the proposal.

The district board gaining territory, upon receiving notification of the State Board's approval, must file a map showing the boundaries of the territory being transferred with the county auditor. Additionally, both district boards affected by the territory transfer, as well as the township board of trustees, must execute an equitable distribution of funds and indebtedness between the districts.

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<sup>45</sup> A school district also must offer the right of first refusal to purchase district real property it voluntarily decides to sell to community schools, STEM schools, and public college-preparatory boarding schools. The act does not affect the right to first refusal in a voluntary sale.

## State minimum teacher salary schedule

(R.C. 3317.13, as amended in Section 101.01)

The act amends the statutory minimum teacher salary schedule to increase the minimum base salary for beginning teachers with a bachelor's degree from \$20,000 to \$30,000 and to increase proportionally the minimum salaries for teachers with different levels of education and experience.

Under continuing law, each school district board of education and each educational service center governing board must adopt an annual teacher salary schedule that complies with the statutory minimum. That schedule must be either merit-based or contain provisions for increments based on training and years of service. In practice, however, the compensation rate is generally set by way of collective bargaining between the employing board and the organization representing the teachers.<sup>46</sup>

## Alternative resident educator licenses

(R.C. 3319.26)

The act requires applicants for an alternative resident educator license to have either a cumulative undergraduate grade point average of 2.5 out of 4.0 or a cumulative graduate school GPA of 3.0 out of 4.0. Prior law specified only that applicants had to have an undergraduate GPA of 2.5 out of 4.0.

The act also replaces a teacher preparation program summer training institute offered by a nonprofit organization with a teacher preparation program preservice training approved by the Chancellor of Higher Education as one of the two methods by which an applicant for an alternative resident educator license may satisfy training requirements. However, the act leaves it up to the Chancellor whether to approve any such program. The act maintains the second method, which is successful completion of the pedagogical training institute.

The other prerequisites to alternative resident educator licensure are not affected by the act. They include a bachelor's degree and passing a test in the subject area for which the application is being made. While teaching under an alternative resident educator license, an individual must complete further coursework and pass further written tests and observational evaluations. Holders of the alternative license also must complete the Ohio Teacher Residency Program.

## **“Properly certified or licensed” teachers, paraprofessionals (PARTIALLY VETOED)**

(Repealed R.C. 3319.074; R.C. 3302.01, 3302.03, 3311.78, 3311.79, 3314.03, 3317.141, 3319.226, 3319.283, and 3326.13; Section 812.20)

The Governor vetoed a provision that would have eliminated the prohibition on school districts and STEM schools from employing teachers in a core subject area unless they are

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<sup>46</sup> R.C. 3317.14, not in the act, and 3317.141.

“properly certified or licensed teachers,” and from hiring paraprofessionals to provide support in a core subject area in a program supported by federal Title I funds unless they are “properly certified paraprofessionals.”

Under that provision, a teacher is considered “properly certified or licensed” only after completing all requirements for certification or licensure in the subject areas and grade levels in which the teacher provides instruction. A “properly certified paraprofessional” is one who has an educational aide permit and one of the following: (1) a designation of “ESEA qualified,” (2) completed at least two years at an accredited institution of higher education, (3) holds at least an associate’s degree, or (4) has passed a test selected by the Department. The core subject areas are reading and English language arts, math, science, social studies, foreign language, and fine arts.

However, the Governor left in place the act’s provision that eliminates that prohibition on community schools. Under continuing law, community school teachers and paraprofessionals must have a license, permit, or certification to provide instruction or academic support, but under the act they will not be required to be “properly certified” in any specific subject areas or grade levels.<sup>47</sup> This is similar to law in effect prior to July 1, 2019.

## **Computer science teachers**

(Section 733.61)

The act temporarily permits a school district, community school, or STEM school, for the 2019-2020 and 2020-2021 school years, 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, 2021, 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

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<sup>47</sup> R.C. 3314.03(A)(10) and (A)(11)(d).

and pass a computer science context examination, or (3) hold a supplemental teaching license for computer science.<sup>48</sup>

## **Bright New Leaders for Ohio Schools**

(Repealed R.C. 3319.271; R.C. 3319.272; conforming change in R.C. 3317.25)

Initially created in 2013 by H.B. 59 of the 130<sup>th</sup> General Assembly, the Bright New Leaders Program provides an alternative path for individuals to receive training, earn degrees, and obtain licenses in public school administration. The act eliminates the law establishing the nonprofit corporation that initially created and implemented the program and, instead, designates the Ohio State University Fisher College of Business and College of Education and Human Ecology as the administrators for the program. It adds a requirement that the State Board issue a professional administrator license for grades pre-K through 12 to individuals who complete the program, instead of an alternative principal or administrator license as under prior law.

## **FAFSA completion incentives**

(Sections 265.10, 265.20, and 733.23)

The act requires the Department to establish a program for FY 2020 and FY 2021 that awards grants to school districts and educational service centers to organize activities that encourage and assist high school seniors to complete the Free Application for Federal Student Aid (FAFSA). It appropriates \$75,000 for each fiscal year for the program and specifies that the maximum award for each recipient is \$5,000 per fiscal year. If the amount appropriated is not sufficient, the Department must give priority to lower-wealth districts.

The Department must adopt guidelines and procedures to administer the program, including a process and timeline for soliciting, reviewing, and approving proposals, a metric to gauge district wealth, and criteria for approving proposals. Proposals must include how the recipient will work with a public or private community partner and a description of at least one activity such as “a training session or a fair.”

## **School child day-care programs**

(R.C. 3301.53)

The act clarifies that child day-care centers that serve preschool children and child day-care centers that serve school-age children must meet or exceed the standards adopted by the Director of Job and Family Services.

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<sup>48</sup> R.C. 3319.236, not in the act.

## **Behavioral prevention initiatives**

(R.C. 3313.6024, 3314.03, 3326.11, and 3328.24)

The act requires each public school to annually report to the Department on the types of prevention-focused programs, services, and supports it uses to promote healthy behavior and decision-making by students and their understanding of the consequences of risky behaviors, such as substance abuse and bullying. The report must include:

- Curriculum and instruction provided during the school day;
- Programs and supports provided outside of the classroom or outside of the school day;
- Professional development for teachers, administrators, and other staff;
- Partnerships with community coalitions and organizations to provide prevention services and resources to students and their families;
- School efforts to engage parents and the community; and
- Activities designed to communicate with and learn from other schools or professionals with expertise in prevention education.

The act also permits the Department to use these reports as a factor to determine the distribution of any funding for prevention-focused behavioral initiatives.

## **Excessively absent students**

(R.C. 3321.191)

The act revises the standard for determining if a student is “excessively absent from school” by stipulating that excused medical absences are not considered. Under the act, a student is considered excessively absent when the student’s combined *nonmedical* excused absences and unexcused absences exceed 38 hours in one school month or 65 hours in a school year. This differs from prior law, which considered *all* excused and unexcused absences when determining whether a student was excessively absent.

Under continuing law, when a student becomes excessively absent from school, the district or school must notify the student’s parent, guardian, or custodian, in writing, within seven days of the most recent triggering absence. At that time, the district or school (1) must provide the student with an intervention plan and (2) may use any other appropriate intervention strategies contained in the policy. However, only a student’s unexcused absences count toward truancy.

## **Computer coding as a foreign language**

(R.C. 3313.603(E))

Continuing law specifies a minimum of 20 units of academic credit for high school graduation. (One unit is 120 hours of instruction.) However, school districts and chartered nonpublic schools have the authority to require more challenging minimum requirements for graduation. The act specifies that if a school district or chartered nonpublic school requires a

foreign language as an additional requirement for high school graduation, the district or school must accept one unit of computer coding instruction toward satisfying that requirement.

It also specifies that, if a student applies more than one course of computer coding toward the requirement, they must be sequential and progressively more difficult.

The provision also applies to STEM schools.<sup>49</sup> However, it may or may not apply to community schools even though they generally must comply with the minimum high school curriculum.<sup>50</sup>

## **Show choir as physical education**

(R.C. 3313.603)

The act permits a school district or chartered nonpublic school to substitute two full seasons of show choir to fulfill high school physical education requirements in the same way that interscholastic athletics, marching band, and cheerleading are permitted under continuing law.

## **Athletics transfer rules**

(R.C. 3313.5316)

The act requires a school district, interscholastic conference, or organization that regulates interscholastic athletics to have the same transfer rules for public and nonpublic schools and prohibits the creation of rules, bylaws, or other regulations to the contrary.

## **International students in athletics**

(R.C. 3313.5315)

The act permits any international student who attends an Ohio elementary or secondary school to participate in interscholastic athletics at that school on the same basis as students who are Ohio residents if the student holds an F-1 U.S. visa. The student cannot be denied the opportunity to participate in interscholastic athletics solely because the student's parents do not reside in this state.

Prior law specifically permitted an international student with an F-1 visa to participate in interscholastic athletics regardless of the residency of the student's parents only if the student attended a school that began operating a dormitory on its campus prior to 2014.

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<sup>49</sup> See R.C. 3326.15, not in the act.

<sup>50</sup> R.C. 3314.03(A)(11)(f) regarding community school curriculum requirements does not specifically reference division (E) of R.C. 3313.603.

## **Consolidated school mandate report**

(R.C. 3301.68)

The act eliminates (1) training on crisis prevention intervention and (2) establishment of a wellness committee from the consolidated school mandate report that each district annually must file with the Department under continuing law.

## **Department of Education performance audit**

(Section 701.43)

The act requires the Auditor of State to conduct a performance audit of selected offices or programs within the Department of Education by October 1, 2020.

## **English learners**

(R.C. 3301.07, 3301.0710, 3301.0711, 3301.0714, 3302.01, 3302.03, 3302.061, 3302.18, 3313.608, 3313.61, 3313.611, 3313.612, 3314.08, 3317.016, 3317.02, 3317.022, 3317.03, 3317.06, 3317.16, 3317.40, 3326.31, 3326.32, and 3326.33)

The act changes all references of “limited English proficient student” in the Revised Code to “English learner” to align with recent amendments to federal law.<sup>51</sup>

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<sup>51</sup> See 20 U.S.C. 7801(20).