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## DEPARTMENT OF EDUCATION

### I. School finance

#### **Direct funding for community and STEM schools, open enrollment students, and state scholarships**

- Requires state operating funding to be paid directly to school districts, community schools, and STEM schools for the students they are educating, and requires direct payment of state scholarships.

#### **School financing system for FY 2022 and FY 2023**

- Creates a new school financing system for school districts and other public entities that provide primary and secondary education for FY 2022 and FY 2023.
- Calculates a unique base cost and a unique “per-pupil local capacity amount” for each city, local, and exempted village school district, and calculates a unique base cost for each joint vocational school district (JVSD), community school, and STEM school.
- Subtracts a district’s per-pupil local capacity amount from the district’s per-pupil amount of its base cost to determine its per-pupil state share of the base cost.
- Calculates a city, local, or exempted village school district’s state core foundation funding as the sum of the district’s aggregate state share of the base cost plus targeted assistance, special education funds, disadvantaged pupil impact aid, English learner funds, gifted student funds, and career-technical education funds and associated services funds.
- Establishes spending requirements for disadvantaged pupil impact aid and the portion of a district’s state share of the base cost that is attributable to the staffing cost for the student wellness and success component of the base cost.
- Specifies a phase-in for most components of a city, local, or exempted village school district’s state core foundation funding of 16.67% for FY 2022 and 33.33% for FY 2023, but subjects disadvantaged pupil impact aid to a phase-in of 0% for FY 2022 and 14% for FY 2023.
- Guarantees a city, local, and exempted village school district’s state core foundation funding (including disadvantaged pupil impact aid) for FY 2022 and FY 2023.
- Eliminates the term “formula amount” and instead, where the act’s system relies on a static base cost amount, uses the “statewide average base cost per pupil” or the “statewide average career-technical base cost per pupil,” as applicable.
- Pays transportation funding and supplemental targeted assistance to city, local, and exempted village school districts, and specifies these payments are not subject to the phase-in.

- Guarantees transportation funding for city, local, and exempted village school districts for FY 2022 and FY 2023.
- Provides a substantially similar formula for joint vocational school districts (JVSDs), including a phase-in over the same period of time specified for city, local, and exempted village school districts and a guarantee, but makes some JVSD-specific changes to the base cost computation, uses a charge-off, and does not provide targeted assistance, gifted student funding, or transportation.
- Calculates a community school's or STEM school's funding for each student as the sum of its base cost per pupil and the per-pupil amounts of special education funds, disadvantaged pupil impact aid, English learner funds, career-technical education funds, and career-technical associated services funds.
- Specifies a phase-in of community school and STEM funding that is the same as the phase-in for school districts, except that disadvantaged pupil impact aid is subject to the same phase-in as all other components.
- Provides a transportation payment to community schools, and specifies that this payment is not subject to the phase-in.
- Pays career awareness and exploration funds to school districts, community schools, and STEM schools, and specifies that this payment is not subject to the phase-in.
- Pays a formula transition supplement for FYs 2022 and 2023 to guarantee that each school district's state core foundation funding, transportation funding (if any), and supplemental targeted assistance equals its FY 2021 foundation funding, enrollment growth supplement, and student wellness and success funds and enhancement funds.
- Pays a formula transition supplement for FYs 2022 and 2023 to each community school and STEM school similar to that paid to school districts, except the supplement guarantees a per-pupil amount of funding rather than an aggregate amount of funding.
- Establishes a new funding formula for educational service centers (ESCs) for FY 2022 and FY 2023 that is subject to the same phase-in percentage as the phase-in percentage specified for city, local, and exempted village school districts (16.67% for FY 2022 and 33.33% for FY 2023).
- Requires the Department of Education to (1) implement a program to distribute bus purchasing grants of not less than \$45,000 to city, local, and exempted village school districts and (2) award transportation collaboration grants.

## **School financing for FY 2024 and after**

- Specifies that the various components of the school financing system for FY 2022 and FY 2023 described above will be calculated in a manner determined by the General Assembly for FY 2024 and each fiscal year thereafter.
- Specifies that those components of the school financing system for FY 2022 and FY 2023 described above that were not components of the school financing system prior to

FY 2022 will be calculated in a manner determined by the General Assembly for FY 2024 and each fiscal year thereafter if the General Assembly authorizes those payments.

### **Repeal of student wellness and success funding**

- Repeals the requirement for the Department to pay student wellness and success funds and enhancement funds to school districts, community schools, and STEM schools.

### **Payment for districts with decreases in utility TPP value**

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

### **Payments for districts with nuclear plant in territory – repealed**

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

### **Recommendations for compensating valuation losses – repealed**

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

### **Auxiliary Services funds**

- Permits a religiously affiliated chartered nonpublic school to receive Auxiliary Services funds directly in the same manner as offered to nonreligious chartered nonpublic schools under continuing law.
- Permits any chartered nonpublic school (secular or religiously affiliated) that elects to receive Auxiliary Services funds directly to designate an organization to receive and distribute those funds on its behalf.
- Clarifies that directly paid Auxiliary Services funds may be used to acquire goods and services under contract with school districts, educational service centers, the Department of Health, city or general health districts or private entities.

### **Auxiliary Services Reimbursement Fund**

- Permits educational service centers to apply to the Department for moneys from the Auxiliary Service Reimbursement Fund.

### **Chartered nonpublic school administrative cost reimbursement**

- Removes the maximum annual per-pupil amount for administrative cost reimbursement for chartered nonpublic schools formerly specified in codified law, which was \$360 and,

instead, specifies that cost reimbursement payments may not exceed the per-pupil amount prescribed by the General Assembly for each particular school year.

- Prescribes in uncodified law, for each of FY 2022 and FY 2023, a maximum annual per-pupil amount for administrative cost reimbursement of \$475.

## **II. Graduation requirements and assessment**

### **High school graduation requirements**

- Requires the Superintendent of Public Instruction's industry-recognized credentials and licenses committee to assign a point value for each credential and to establish the total number of points necessary to satisfy certain high school graduation requirements.
- Permits a student who obtains a state-issued license for practice in a vocation that requires an exam to use that license as a "foundational option" when using an alternative demonstration of competency and to qualify for an industry-recognized credential diploma seal.
- Exempts students enrolled in chartered nonpublic schools from certain graduation requirements if, instead of the end-of-course exams, their schools administer a nationally standardized assessment (ACT or SAT) or an alternative assessment to meet state testing requirements.
- Specifies how a public or chartered nonpublic school must address a locally defined diploma seal earned by a transfer student, or any progress the student made toward earning one, at another public or chartered nonpublic school in Ohio.
- Requires transfer students who, in the prior school year, were homeschooled or attended an out-of-state or nonchartered, nonpublic school to generally comply with the high school graduation requirements subject to certain exemptions.
- Exempts a student with an individualized education program (IEP) from the requirement to demonstrate competency in math and English language arts, if the IEP expressly exempts the student from that requirement subject to other conditions.
- Permits a student to use a remediation-free score on a nationally standardized assessment (ACT or SAT) as an alternative demonstration of competency.
- Clarifies and modifies the "foundational" options a student may use as part of an alternative demonstration of competency.
- Expands the number of conditions a student may satisfy to earn a Citizenship or Science diploma seal.

### **Nationally standardized college admission assessments**

- Permits the parent or guardian of a student beginning with the class of 2026 to choose not to have the nationally standardized assessment administered to that student.

## **Kindergarten readiness and reading skills assessments**

- Requires a district or school to administer the Kindergarten Readiness Assessment and the kindergarten reading skills assessment by the 20<sup>th</sup> day of instruction of a school year, instead of by November 1 as under prior law.

## **III. Educator licensure**

### **Teacher licensure disciplinary actions – human trafficking**

- Adds human trafficking to the list of offenses for which the State Board of Education must revoke or deny an educator license.

### **Release of information obtained during an investigation**

- Permits a school district or school located in Ohio or another state to request any report of misconduct that the Department has regarding an individual who is under consideration for employment, and requires the Department to provide the report to the district or school.

### **Assisting individuals in obtaining school employment**

- Generally prohibits a school representative from knowingly and intentionally assisting another individual in obtaining school employment if the representative knows or has reasonable cause to believe that the individual has committed a sex offense involving a student.

### **Cheating on assessments**

- Prohibits a person from obtaining prior knowledge of a state achievement assessment, using prior knowledge of the assessment's contents to help students prepare for the assessment, and failing to comply with any rule adopted by the Department regarding security protocols for an assessment.
- Specifies that all of the prohibited actions related to state achievement assessments are grounds for termination of a teacher contract and for termination of a nonteaching employee's position.

### **Teach for America licenses**

- Requires the state Superintendent (rather than the State Board) to inactivate (rather than revoke) a Teach for America (TFA) participant's resident educator license if the participant resigns or is dismissed from TFA prior to completing its support program.
- Provides that the inactivation of a participant's license does not (1) constitute a suspension or revocation of the license or (2) necessitate an opportunity for a hearing.

### **Pre-employment applications and screening process**

- Requires each public and chartered nonpublic school to include a written notice on all employment applications explaining that any person knowingly making a false statement on the application is guilty of falsification.

- Requires each public and chartered nonpublic school to consult the Department’s “educator profile” database before making hiring decisions.
- Permits each public or nonpublic school to require an applicant or volunteer to undergo additional criminal records checks.

### **Career-technical educator licensure**

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

### **Educator Standards Board membership**

- Adds five members to the Educator Standards Board (ESB):
  - One person who represents community schools, appointed by the State Board of Education; and
  - Four persons, who are active in or retired from the education profession, two each appointed by the Speaker of the House and the Senate President.
- Permits, instead of requiring as under prior law, the State Board to use lists of nominees from the Ohio Federation of Teachers and the Ohio Education Association to appoint teachers to the ESB.

### **School counselor standards**

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

### **Computer science education licensure**

- Extends through the 2022-2023 school year an exemption that permits public schools to employ an individual who is not licensed to teach computer science, nevertheless to teach computer science courses, so long as that individual meets other prescribed requirements.

## **IV. Community schools**

### **Requirement to locate in challenged school districts – eliminated**

- Eliminates the requirement that new start-up community schools must be located in a “challenged school district.”
- Eliminates the requirement that the Department annually publish a list of challenged school districts.

### **Automatic closure of community schools**

- Prohibits the automatic closure of community schools and dropout prevention and recovery schools on the basis of any report card rating issued prior to the 2022-2023 school year.

## **Disenrollment of e-school students – failure to participate**

- Prohibits a student who is disenrolled from an internet- or computer-based community school (e-school) for failure to participate from re-enrolling in that school for the remainder of the year, rather than one year from the date of disenrollment and permits the student to enroll in a different e-school during that same year.

## **Community school sponsors**

- Specifies that a sponsor rated “exemplary” for the two most recent years the sponsor was evaluated may take advantage of certain sponsor incentives.
- Specifies that a sponsor rated “exemplary” or “effective” for the three most recent years the sponsor was evaluated must be evaluated only once every three years.
- Permits an “exemplary” sponsor to open up two new internet- or computer-based community schools that will serve students enrolled in a dropout prevention and recovery program (not to exceed six in a five-year period) without approval by the state Superintendent.

## **Low-performing community school sponsor changes (VETOED)**

- Would have permitted community schools in which a majority of the enrolled students are children with disabilities receiving special services to contract with a new sponsor without approval from the Department, notwithstanding the school’s low performance.

## **JCARR review of EMIS, other changes (VETOED)**

- Would have subjected to review by the Joint Committee on Agency Rule Review-approval any proposed changes to the Education Management Information System (EMIS) or the Department of Education’s business rules and policies that may affect community schools.

## **Montessori preschool payments**

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

## **Community School Revolving Loan Fund**

- Eliminates the Community School Revolving Loan Fund.

## **Pilot funding for dropout recovery e-schools**

- Extends to FY 2022 and FY 2023 the pilot program providing additional funding for certain e-schools operating dropout prevention and recovery programs on a per-pupil basis for students in grades 8-12.
- Delays the deadline for the Department to issue a report upon completion of the pilot program to December 31, 2022 (rather than December 31, 2021).

## **V. STEM schools**

- Permits the Superintendent of Public Instruction, the Chancellor of Higher Education, and the Director of Development to appoint designees to participate in STEM Committee business on their behalf.
- Permits a STEM or STEAM school to submit an amended proposal to the STEM Committee to offer additional grade levels.
- Eliminates the authority for a joint vocational school district (JVSD) or an educational service center (ESC) to apply for designation as a STEM or STEAM school.
- Instead of using the term “career centers,” as under prior law, permits JVSDs and comprehensive and compact career-technical education providers to receive a STEM or STEAM school equivalent designation.
- Revises the required content of the proposal for designation as a STEM or STEAM school or equivalent.
- Eliminates the authority for city, local, and exempted village school districts, community schools, and chartered nonpublic schools to apply for grants to support the operation of STEM programs of excellence.
- Permits a JVSD, comprehensive and compact career-technical education provider, or ESC to apply for distinction as a STEM program of excellence.
- Specifies that STEM and STEAM school designations, STEM and STEAM school equivalent designations, and distinctions as STEM programs of excellence are effective for five years unless revoked and may be renewed upon reapplication.
- Makes other changes regarding STEM and STEAM school or equivalent oversight and operations.

## **VI. College Credit Plus**

### **Students in state-operated schools**

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

### **Academic eligibility for all students**

- Requires the Chancellor of Higher Education, in consultation with the state Superintendent, to adopt rules to define an alternative remediation-free eligibility option for the CCP program.



- Eliminates the eligibility condition for certain students who are not remediation-free if they (1) have at least a 3.0 cumulative high school grade point average or (2) receive a recommendation from a school counselor, principal, or career-technical program advisor, except for those who qualified under that condition prior to September 30, 2021.

### **Nonpublic school participation (VETOED)**

- Would have prohibited applying any requirement of the CCP program to a nonpublic school that chooses not to participate in the program.

### **Course subject matter disclaimer**

- Requires the Departments of Education and Higher Education jointly to develop a permission slip regarding the potential for mature subject matter in courses taken through the CCP program and to post it on their CCP websites.
- Requires each student and each student's parent, as a condition of participating in the CCP program, to sign the permission slip and include it in the student's application to participating institutions of higher education.
- Requires the Departments and each participating institution to post on their CCP websites a disclaimer about the potential for mature subject matter in courses taken under CCP.

### **Cost effectiveness study**

- Requires the Department of Education, in consultation with the Department of Higher Education, to study the results and cost-effectiveness of the CCP program and submit a report of its findings to the Governor, Speaker of the House, Senate President, and Director of the Legislative Service Commission by January 1, 2023.

## **VII. State scholarship programs and educational savings**

### **Scholarship amounts**

- Revises the scholarship amounts as follows:
  - For the Educational Choice (Ed Choice) and Cleveland Scholarship Programs, \$5,500 for students in any of grades K-8 and \$7,500 for students in any of grades 9-12.
  - For the Autism Scholarship Program, \$31,500 for FY 2022 and \$32,445 for FY 2023 and each fiscal year thereafter.
  - For the Jon Peterson Special Needs Scholarship Program, specifies that the base amount used in the computation of scholarship amounts is \$6,217 for FY 2022 and \$6,414 for FY 2023 and specifies amounts for the disability category for each of those fiscal years.

## **Performance-based Ed Choice scholarship eligibility**

- Changes the performance index rankings used to determine whether a student is eligible for a performance-based Ed Choice scholarship sought for the 2023-2024 or 2024-2025 school year under the performance index score eligibility criteria.
- Expands qualifications for a performance-based Ed Choice scholarship, including qualifying high school students not enrolled in public schools, siblings, students in foster or kinship care or other placement, and students who received but no longer qualify for the Autism or Jon Peterson scholarship.
- Phases out the requirement that, to qualify for a performance-based Ed Choice scholarship, students generally must be enrolled in either a school operated by their resident districts or a community school.
- Eliminates the restriction on the number of performance-based Ed Choice scholarships the Department may award in a school year.
- Maintains a student's eligibility for a performance-based scholarship if, after the first day of the application period, the Department changes the internal retrieval number (IRN) of the school in which the student is enrolled or otherwise would be assigned.

## **Ed Choice eligibility for 2021-2022**

- Expands qualifications for an Ed Choice scholarship sought for the 2021-2022 school year based on the Ed Choice designation list for the 2019-2020 or 2021-2022 school year.
- Requires the Department, by July 15, 2021, to develop eligibility guidance and provide it to chartered nonpublic schools enrolling Ed Choice scholarship students and to begin accepting and processing applications for students eligible under the provision.
- Requires the Department, for complete applications submitted by August 1, 2021, to provide notice of award or denial by September 15, 2021.
- Prohibits the Department, for the 2021-2022 school year only, from prorating Ed Choice scholarships based on a completed application submitted by October 31, 2021.

## **Ed Choice operations (PARTIALLY VETOED)**

- Requires the Department to make monthly partial payments for Ed Choice scholarships, rather than "periodic" partial payments as under prior law.
- Establishes a single application period that opens the February 1 prior to the school year for which a scholarship is sought, and prorates the scholarship amount for applications submitted after the start of the school year.
- Requires the Department, by February 1, 2022, to establish a system under which an applicant may enter a student's address and receive notification of whether the student is eligible for a performance-based scholarship.

- Prohibits a school district from objecting to a student's scholarship eligibility if the Department's system determines the student is eligible.
- Requires each school district with an Ed Choice designated building to provide the Department with the attendance zone of such a building by January 1 of each year.
- Requires the Department to accept applications for conditional approval.
- Would have required the Department to award a scholarship to a student who had conditional approval, if the student enrolled in a chartered nonpublic school within one year of receiving conditional approval and did not change addresses prior to enrolling in the school (VETOED).
- Requires the Department, if it determines an Ed Choice scholarship application contains an error or deficiency, to notify the applicant within 14 days of the application's submission.
- Requires the Departments of Education, Jobs and Family Services, and Taxation to enter into a data sharing agreement to assist the Department of Education in determining student eligibility for Ed Choice scholarships.

### **Autism Scholarship Program providers**

- Subjects registered private providers approved for the Autism Scholarship Program and their employees to certain criminal records check requirements.
- Requires the Department to use the submitted information to enroll individuals in the Retained Applicant Fingerprint Database in the same manner as licensed educators.
- Includes "registered behavior technician" and "certified Ohio behavior analyst" in the list of qualified, credentialed providers that may offer intervention services under the program.

### **Cleveland Scholarship Program**

- Establishes a single application period that opens February 1 prior to the school year for which a scholarship is sought, including prorating the scholarship amount for applications submitted after the start of the school year.
- Qualifies a private school located outside of the Cleveland City School District boundaries to accept Cleveland scholarship students if the school (1) is located in a qualifying neighboring municipality (as under continuing law) and (2) offers any of grades K-12 (instead of grades 9-12 as under prior law).

### **ACE Educational Savings Account Program**

- Establishes the Afterschool Child Enrichment (ACE) Educational Savings Account Program to provide eligible students with an educational savings account for FY 2022 or FY 2023 containing \$500 to be used for prescribed secular or nonsecular purposes.
- Finances the program with federal coronavirus relief funds.

- Qualifies a student for an account if the student is at least 6 years old and under 18 years old, has a family income at or below 300% of the federal poverty level, and is enrolled in a public or nonpublic school or is being homeschooled.
- Requires the Department to prescribe emergency rules for the establishment of accounts by October 30, 2021, create an online form for parents or guardians to request an account by January 28, 2022, and select a vendor that meets prescribed criteria to administer the program.
- Requires the Department, by December 31, 2022, to submit a report to the General Assembly regarding the administration of the program.

## **VIII. Other**

### **Student transportation – pick up and drop off times**

- Requires school districts, educational service centers, and private school transportation contractors to “deliver” students to their respective public and nonpublic schools no sooner than 30 minutes prior to the beginning of school and to be available to pick them up no later than 30 minutes after the close of the day.

### **Community and nonpublic school transportation**

- Prescribes procedures for school district transportation plans for community and chartered nonpublic school students whom a district is required to transport.
- Prohibits a school district from transporting community or chartered nonpublic school students in grades K-8 using vehicles operated by a mass transit system, unless the district enters into an agreement with the students’ school to do so.
- Requires a school district that transports community or chartered nonpublic school students in grades 9-12 using vehicles operated by a mass transit system to ensure that a student’s route does not require more than one transfer.
- Adjusts the deadline for an existing community school to unilaterally accept responsibility to provide transportation for its students to August 1, rather than January 1 of the previous school year as under prior law.

### **Deduction for district noncompliance with transportation law**

- Requires the Department to deduct a prescribed portion of a school district’s state transportation funding if the Department determines the district has consistently, or for a prolonged period, been noncompliant with its obligations regarding student transportation.

### **Payment in lieu of transportation**

- Requires school districts, and community schools that accept responsibility to transport students, to make a determination regarding providing payment in lieu of transportation not later than 30 calendar days prior to the first day of instruction, or within 14 calendar days if the student is enrolled subsequent to that deadline.

- Specifies that the annual payment in lieu amount must be at least 50% but not more than the average cost of pupil transportation for the previous school year, as determined by the Department.
- If a district or school fails to provide transportation (under the payment in lieu provision), requires the Department to order it to make a payment equal to 50% of the cost of providing transportation, as determined by the district board or school governing authority, but not more than \$2,500.

### **Transportation contracts**

- Authorizes a school district to contract with federal or state agencies, municipal corporations, political subdivisions, and other public and private groups and organizations to assist those entities in the fulfillment of their legitimate activities and in times of emergency.

### **Online school bus driver training program**

- Requires the Department to develop a permanent online training program to satisfy the classroom portion of pre-service and annual in-service training for school bus driver certification.

### **Withdrawal of certain students for failure to take assessments**

- Beginning with the 2020-2021 school year, creates a new starting point for automatic withdrawal of students enrolled in internet- or computer-based schools who fail to take the required state assessments for two consecutive school years.

### **Online learning**

- Permits school districts, with the approval of the Superintendent of Public Instruction, to operate a school using an online learning model and prescribes requirements for them.
- Requires the State Board to revise operating standards for school districts to include prescribed standards for the operation of online learning models.

### **Blended learning**

- Requires districts and schools using a blended learning model operate an annual calendar of at least 910 hours.

### **Information on academic standards and model curricula**

- Requires the Department to include information on the use of online learning in the delivery of standards or curricula to students, whenever the State Board adopts standards or model curricula.

### **FAFSA data system**

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

## **Computer science education**

- Requires the Department, in consultation with the Chancellor, to establish a committee to develop a state plan for K-12 computer science education.
- Requires the committee to complete the state plan by September 30, 2022, and the Department to post it in a prominent location on its website.
- Requires the State Board to update its standards and curriculum for computer science education by September 30, 2022.

## **Effects of vaping – school district health curriculum**

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

## **Venereal disease instruction**

- Requires a school district or school to notify all parents and guardians if the district or school chooses to offer additional instruction in venereal disease or sexual education not specified under law, including the name of instructors, vendor, and the name of the curriculum being used.
- Prohibits a district or school from offering such additional instruction to a student unless a parent or guardian has submitted written permission for that student to receive that instruction.
- Requires the Department to conduct and publish on its website an annual audit at the beginning of each school year of school districts to ensure compliance with requirements regarding venereal disease education.

## **Victim counseling**

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

## **Academic distress commissions**

- Prohibits the state Superintendent from establishing any new academic distress commissions (ADCs) for the 2021-2022 and 2022-2023 school years.
- Establishes a process by which school districts currently subject to an ADC may be relieved from the oversight of its ADC prior to meeting the conditions prescribed by continuing law.
- Requires the Auditor of State, one time between July 1, 2022, and June 30, 2025, to complete a performance audit of school districts subject to an ADC.

## **Educational service centers**

- Permits an educational service center (ESC) governing board to delay reorganizing its subdistricts, if its territory is divided into subdistricts, until July 1, 2022.
- Specifies that an ESC must be considered a “local education agency,” for the purposes of eligibility in applying for *competitive* federal grants.

## **Adult Diploma Program minimum age**

- Expands eligibility to participate in the Adult Diploma Program by lowering the minimum age from 22 to 20 years old.

## **Ohio Code-Scholar Pilot Program**

- Requires Southern State Community College to establish and maintain the Ohio Code-Scholar Pilot Program and appoint a program coordinator.
- Requires Southern State Community College, in collaboration with the program coordinator, to submit a report to the General Assembly at the end of the five-year pilot program.

## **Career Promise Academy Pilot Program**

- Requires the Department to establish the Career Promise Academy Summer Demonstration Pilot Program to operate in the 2021-2022 and 2022-2023 school years.

## **Advanced standing programs for secondary students**

- Requires public and chartered nonpublic high schools to inform students in grades 6 through 11 at least annually about advanced standing programs.

## **Interscholastic athletics transfer rules**

- Repeals the requirement that school districts, interscholastic conferences, and interscholastic athletic regulating organizations have uniform transfer rules for public and nonpublic schools.

## **Nonpublic school administration of drugs**

- Requires chartered nonpublic schools to adopt a policy addressing the administration of prescription drugs to students.

## **Sale or lease of school district property**

- For purposes of the involuntary sale or lease of “unused” school district real property, adds to the definition of an “unused school facility” any school building that has been used for direct academic instruction but less than 60% of the building was used for that purpose in the preceding school year.
- Delays the effective date of the provision until July 1, 2022.

## Obsolete reports, plans, or recommendations

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

## I. School finance

### School financing – overview

(R.C. 3301.0714, 3302.04, 3302.20, 3310.41, 3310.51, 3310.52, 3310.54, 3310.57, 3310.62, 3313.64, 3313.974, 3313.975, 3313.976, 3313.978, 3313.979, 3313.98, 3313.981, 3314.08, 3314.083, 3314.084, 3314.086, 3314.087, 3314.089, 3314.091, 3314.11, 3314.191, 3314.20, 3314.24, 3315.18, 3317.011, 3317.012, 3317.013, 3317.014, 3317.016, 3317.018, 3317.019, 3317.0110, 3317.02, 3317.021, 3317.022, 3317.023, 3317.024, 3317.026, 3317.028, 3317.0212, 3317.0213, 3317.0214, 3317.03, 3317.051, 3317.071, 3317.072, 3317.11, 3317.16, 3317.161, 3317.162, 3317.20, 3317.201, 3317.25, 3319.57, 3324.05, 3324.09, 3326.10, 3326.101, 3326.31, 3326.32, 3326.35, 3326.36, 3326.39, 3326.40, 3326.44, 3326.51, 3328.32, 3328.34, and 3365.01; repealed and reenacted R.C. 3317.017, 3317.0215, 3317.0217, and 3317.0218; repealed R.C. 3310.08, 3310.09, 3310.55, 3310.56, 3314.085, 3314.088, 3314.53, 3317.029, 3317.0216, 3317.0219, 3317.163, 3317.26, 3317.27, 3326.33, 3326.41, 3326.42, and 3328.33; Sections 265.215, 265.220, 265.225, and 265.323)

### Overview of prior law

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

[H.B. 166 of the 133<sup>rd</sup> General Assembly](#) (the main operating budget act for FY 2020 and FY 2021) retained that school financing system, but it suspended use of that formula for school districts for FY 2020 and FY 2021. Instead, it provided for payments to be made based on FY 2019 funding. It also provided for deductions and transfers for community school and STEM school students.

### Overview of the act’s school financing system

#### Direct funding for community and STEM schools, open enrollment students, and state scholarship programs

The act requires state operating funding to be paid directly to school districts, community schools, and STEM schools for the students they are educating. This direct funding concept differs from prior law where community and STEM school students and students who open enroll were included in the student count of their resident school districts, and the funds attributable to those students were deducted from their resident districts and then paid to the



schools in which they were enrolled. Similarly, it requires direct payment of state scholarships, rather than deducting the amounts of those scholarships from students' resident districts.

### **School financing for FY 2022 and FY 2023**

The act's school financing system for FY 2022 and FY 2023 uses a unique base cost and a unique "per-pupil local capacity amount" for each city, local, and exempted village school district. Generally, a district's per-pupil local capacity amount is subtracted from the district's per-pupil amount of its base cost to determine the district's per-pupil state share of the base cost. Each district's state core foundation funding is equal to the district's aggregate state share of the base cost plus targeted assistance, special education funds, disadvantaged pupil impact aid, English learner funds, gifted student funds, career-technical education funds, and career-technical associated services funds. These components are subject to a guarantee for FY 2022 and FY 2023. All of the components except for disadvantaged pupil impact aid are subject to a phase-in of 16.67% for FY 2022 and 33.33% for FY 2023, and disadvantaged pupil impact aid is subject to a phase-in of 0% for FY 2022 and 14% for FY 2023.

In contrast to the act, former law prescribed a fixed "formula amount" for use in computing a base cost and categorical payments for all school districts and other public schools. The act eliminates this term. Where the act's system relies on a static base cost amount, it uses the "statewide average base cost per pupil" or, in the case of career-technical education funds, the "statewide average career-technical base cost per pupil."

City, local, and exempted village school districts also receive transportation funding, supplemental targeted assistance, and career awareness and exploration funds. These payments are not subject to the phase-in. However, the act does guarantee transportation funding for FY 2022 and FY 2023.

The act provides a substantially similar formula for joint vocational school districts (JVSDs) (including the same phase-in specified for city, local, and exempted village school districts and a guarantee), but, as under prior law, it does not provide targeted assistance, gifted student funding, or transportation funding to JVSDs. It does make some JVSD-specific changes to the base cost computation and uses a charge-off rather than a "per-pupil local capacity amount" to determine the district's per-pupil state share of the base cost. JVSDs also receive career awareness and exploration funds, which are not subject to the phase-in.

For each community and STEM school, the system also specifies a unique base cost per pupil. These schools receive a payment for each student of the school's base cost per pupil plus per-pupil amounts of special education funds, disadvantaged pupil impact aid, English learner funds, career-technical education funds, and career-technical associated services funds. This funding is also subject to the same phase-in specified for city, local, and exempted village school districts, except that disadvantaged pupil impact aid is subject to the same phase-in percentage as all other components of the formula. Community schools also receive a transportation payment and community schools and STEM schools receive career awareness and exploration funds, neither of which are subject to the phase-in.

Additionally, the act requires payment of a formula transition supplement for FY 2022 and FY 2023 to each city, local, and exempted village school district and JVSD to ensure that

each district receives an amount of state core foundation funding, transportation funding, and supplemental targeted assistance equal to the sum of the district's FY 2021 payments for foundation funding (before any state budget reductions ordered by the Governor, in the case of a city, local, or exempted village school district, and after adjusting for student transfers in accordance with the new student counting system), the district's FY 2021 enrollment growth supplement (in the case of a city, local, or exempted village school district), and the district's student wellness and success funds and enhancement funds for FY 2021. The act also requires payment of a formula transition supplement to community schools and STEM schools similar to that paid to school districts, except the supplement guarantees a per-pupil amount of funding rather than an aggregate amount of funding.

Additionally, the act (1) establishes a new funding formula for educational service centers (ESCs) that is subject to the same phase-in specified for city, local, and exempted village school districts, (2) requires the Department to implement a program to distribute bus purchasing grants of not less than \$45,000 to city, local, and exempted village school districts for the purpose of replacing the oldest and highest mileage buses in the state assigned to routes, and (3) requires the Department to award transportation collaboration grants.

### **School financing for FY 2024 and each fiscal year thereafter**

The act specifies that the various components of the school financing system for FY 2022 and FY 2023 described above will be calculated in a manner determined by the General Assembly for FY 2024 and each fiscal year thereafter. If those components were not part of the school financing system prior to FY 2022, the act specifies that they will be calculated in a manner determined by the General Assembly for FY 2024 and each fiscal year thereafter if the General Assembly authorizes those payments.

### **Direct funding for community and STEM schools, open enrollment students, and state scholarships**

(R.C. 3310.41, 3313.979, 3314.08, 3317.02, 3317.022, and 3317.03; repealed R.C. 3310.08, 3310.09, 3310.55, 3310.56, 3314.085, 3326.33, and 3326.41; conforming changes in numerous R.C. sections)

- Requires state operating funding to be paid directly to school districts, community schools, and STEM schools for the students they are educating, and requires the direct payment of state funding for state scholarship programs.
- Pays funding for these schools and programs to "funding units" and then distributes that funding to each school or on behalf of each scholarship recipient in an amount that equals what that school or scholarship recipient would otherwise receive if funding were calculated for the school or scholarship recipient on an individual basis.
- Establishes for this purpose the "community and STEM school funding unit," the "Educational Choice Scholarship funding unit," the "Pilot Project Scholarship funding unit," the "Autism Scholarship funding unit," and the "Jon Peterson Special Needs Scholarship funding unit."

- Specifies that a city, local, or exempted village school district's "enrolled ADM" is the count of the students that are being educated by the district, minus 80% of the district's students receiving services at a joint vocational school district pursuant to a compact, cooperative education agreement, or a contract, plus 20% of the district's students who are enrolled in another district under a career-technical education compact.

(A city, local, or exempted village school district's "formula ADM," which was used for school financing payments under prior law and is used under continuing law for the school facilities assistance program, counts students in the district in which they reside rather than the district in which they are being educated.)

- Specifies that a joint vocational school district's "enrolled ADM" is the count of the students that are being educated by the district.

(A joint vocational school district's "formula ADM," which was used for school financing payments under prior law and is used under continuing law for the school facilities assistance program, counts students receiving services in the district other than those students who open enroll into the district.)

- Specifies that the community and STEM school unit's "enrolled ADM" is the number of students enrolled in all community and STEM schools.
- Specifies that the "enrolled ADM" of each state scholarship funding unit is the number of students who receive the scholarships awarded under the respective state scholarship program.

## **School financing system for FY 2022 and FY 2023**

### **State operating funding for city, local, and exempted village school districts**

#### **Base cost enrolled ADM**

(R.C. 3317.02)

- Specifies that a city, local, or exempted village school district's "base cost enrolled ADM" is equal to the greater of (1) the district's enrolled ADM for the prior fiscal year or (2) the average of the district's enrolled ADM for the three prior fiscal years.

#### **Base cost calculation**

(R.C. 3317.011)

- Specifies that a city, local, or exempted village school district's base cost consists of the following five components:

##### **1. Teacher base cost**

- ❖ Specifies that the teacher base cost includes all of the following components:
  - The district's classroom teacher cost, which is calculated using (a) an average teacher cost (the sum of the average statewide salary of teachers with salaries between \$30,000 and \$95,000, an amount for benefits equal to 16%

of the salary amount, and district-paid insurance costs equal to the statewide weighted average employer-paid monthly premium times 12), and (b) specified student to teacher ratios for kindergarten (20 to 1), grades 1 through 3 (23 to 1), grades 4 through 8 (25 to 1), grades 9 through 12 (27 to 1), and career-technical education programs or classes (18 to 1);

- The district's special teacher cost, which is calculated using the average teacher cost and a student to teacher ratio of 150 to 1, with a minimum of six teachers funded;
- The district's substitute teacher cost, which is calculated using a daily rate of \$90 plus benefits for five substitute teacher days for every classroom and special teacher;
- The district's professional development cost, which is calculated using the average teacher cost (less insurance) per day (based on 180 contract days) for four professional development days for every classroom and special teacher.

## ***2. Student support base cost***

- ❖ Specifies that the student support base cost includes all of the following components:
  - The district's guidance counselor cost, which is calculated using the average statewide salary of guidance counselors with salaries between \$30,000 and \$95,000 and a high school student to counselor ratio of 360 to 1, with a minimum of one counselor funded;
  - The district's librarian and media staff cost, which is calculated using the average statewide salary of librarian and media staff with salaries between \$30,000 and \$95,000 and a student to librarian and media staff ratio of 1,000 to 1;
  - The district's staffing cost for student wellness and success, which is calculated using the average statewide salary of counselors with salaries between \$30,000 and \$95,000 and a student to staff ratio of 250 to 1, with a minimum of five staff members funded;
  - The district's academic co-curricular activities cost, which is calculated using the average per-pupil spending reported statewide by districts for academic co-curricular activities;
  - The district's building safety and security cost, which is calculated using the average per-pupil spending reported statewide by districts for building safety and security;
  - The district's supplies and academic content cost, which is calculated using the average per-pupil spending reported statewide by districts for supplies

and academic content (excluding supplies for transportation and maintenance);

- The district's technology cost, which is calculated using a per-pupil amount of \$37.50.

### ***3. District leadership and accountability base cost***

- ❖ Specifies that the district leadership and accountability base cost includes all of the following components:
  - The district's superintendent cost, which is calculated as a scaled amount of salary (using a salary range of \$80,000 to \$160,000) plus benefits, with an additional amount added for insurance;
  - The district's treasurer cost, which is calculated as a scaled amount of salary (using a salary range of \$60,000 to \$130,000) plus benefits, with an additional amount added for insurance;
  - The district's other district administrator cost, which is calculated using (a) the district's superintendent cost, (b) the ratio of the average salary of all assistant superintendents and directors statewide with salaries between \$50,000 and \$135,000 to the average salary of superintendents with salaries between \$60,000 and \$180,000, and (c) a student to staff ratio of 750 to 1, with a minimum of two administrators funded;
  - The district's fiscal support cost, which is calculated based on the average statewide salary of bookkeeping and accounting employees with salaries between \$20,000 and \$80,000 and a student to staff ratio of 850 to 1, with a minimum of two positions funded and a maximum of 35 positions funded;
  - The district's education management information system (EMIS) support cost, which is calculated based on the average statewide salary of EMIS support employees with salaries between \$30,000 and \$90,000 and a student to staff ratio of 5,000 to 1, with a minimum of one position funded;
  - The district's leadership support cost, which is calculated based on the average statewide salary of administrative assistants with salaries between \$20,000 and \$65,000 and an administrator to staff ratio of 3 to 1, with a minimum of one position funded;
  - The district's information technology center support cost, which is calculated using a per-pupil amount of \$31.

### ***4. Building leadership and operations base cost***

- ❖ Specifies that the building leadership and operations base cost includes all of the following components:
  - The district's building leadership cost, which is calculated using (a) the district's superintendent cost, (b) the ratio of the average statewide salary of

principals with salaries between \$50,000 and \$120,000 to the average salary of superintendents statewide with salaries between \$60,000 and \$180,000, and (c) a student to staff ratio of 450 to 1;

- The district's building leadership support cost, which is based on the average statewide salary of clerical employees with salaries between \$15,000 and \$50,000 and a student to staff ratio of 400 to 1, with a minimum number of positions funded that is equal to the number of buildings in the district and a maximum of three positions per building funded;
- The district's building operations cost, which is calculated using the product of the six-year average of the statewide average building square feet per pupil and the six-year statewide average cost per square foot for those buildings, less the district's building safety and security cost.

### ***5. Athletic co-curricular activities base cost***

- ❖ Provides this component if the district either (1) is a member of an organization that regulates interscholastic athletics or (2) has teams in at least three different sports that participate in an interscholastic league;
- ❖ Specifies that the district's athletic co-curricular activities base cost is calculated using the average per-pupil spending reported statewide for athletic co-curricular activities.
- Uses a district's "base cost enrolled ADM" for those factors of the base cost computation which are paid on a per-pupil basis.
- Specifies that all of the average salaries and costs within the base cost computation are to be calculated using data from FY 2018.

### **Base cost per pupil and statewide average base cost per pupil**

(R.C. 3317.018(A) and 3317.02)

- Prescribes a unique "base cost per pupil" for each city, local, and exempted village school district that is equal to the district's base cost divided by the district's "base cost enrolled ADM."
- Specifies that the "statewide average base cost per pupil" is equal to the sum of the aggregate base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year divided by the sum of the "base cost enrolled ADMs" of all of the city, local, and exempted village school districts in the state for that fiscal year.

### **Statewide average career-technical base cost per pupil**

(R.C. 3317.018(B))

- Specifies that the "statewide average career-technical base cost per pupil" is equal to the sum of the aggregate base cost calculated for all joint vocational school districts in the state for that fiscal year (see below) divided by the sum of the "base

cost enrolled ADMs” of all of the joint vocational school districts in the state for that fiscal year.

### **Per-pupil local capacity percentage**

(R.C. 3317.017(A)(4))

- Determines a city, local, or exempted village school district’s “per-pupil local capacity percentage,” which is used to calculate a district’s per-pupil local capacity amount, by doing the following:
  - ❖ Ranking all districts using each district’s quotient of the district’s median federal adjusted gross income for the most recent tax year for which data is available and the median of the median federal adjusted gross incomes for all districts statewide for the most recent tax year for which data is available, from the highest quotient to the lowest quotient;
  - ❖ If the district’s quotient is less than the quotient of the district with the 40<sup>th</sup> highest quotient but greater than 1.0, specifying that the district’s “per-pupil local capacity percentage” is equal to a percentage between 2.25% and 2.5% that is calculated based on a sliding scale;
  - ❖ If the district’s quotient is less than or equal to 1.0, specifying that the district’s “per-pupil local capacity percentage” is equal to the district’s quotient times 2.25%;
  - ❖ If the district’s quotient is greater than or equal to the quotient of the district with the 40<sup>th</sup> highest quotient, specifying that the district’s “per-pupil local capacity percentage” is equal to 2.5%.

### **Per-pupil local capacity amount**

(R.C. 3317.017(A))

- Specifies that a city, local, or exempted village school district’s per-pupil local capacity amount is equal to the sum of the following three factors, which are calculated using a city, local, or exempted village school district’s “base cost enrolled ADM”:

#### ***1. Valuation per pupil***

- ❖ Calculated as 60% of the district’s “per-pupil local capacity percentage” times the per-pupil amount of the minimum of (a) the average valuation for the three most recent tax years for which data is available and (b) the district’s taxable value for the most recent tax year for which data is available.

#### ***2. Adjusted federal gross income per pupil***

- ❖ Calculated as 20% of the district’s “per-pupil local capacity percentage” times the per-pupil amount of the minimum of (a) the average of the total federal adjusted gross income of the district’s residents for the three most recent tax years for



which data is available and (b) the total federal adjusted gross income of the district's residents for the most recent tax year for which data is available.

### ***3. Adjusted local share federal adjusted gross income per pupil***

- ❖ Calculated as 20% of the district's "per-pupil local capacity percentage" times the per-pupil amount of the product of (a) the median federal adjusted gross income of the district's residents for the most recent tax year for which data is available and (b) the number of state tax returns filed by taxpayers residing in the district for the most recent tax year for which data is available.

### **State core foundation funding**

(R.C. 3317.013, 3317.014(C) and (D), 3317.016, 3317.017(B) and (C), 3317.02, 3317.022, 3317.0217, and 3317.051)

- Requires the Department to compute and distribute to each city, local, and exempted village school district the sum of the following in state core foundation funding:

#### ***1. State share of the base cost***

- ❖ Specifies that a district's state share of the base cost is equal to the following:
  - If the district's per-pupil local capacity amount divided by the district's base cost per pupil is greater than 95%, the district's base cost per pupil times 5% times the district's enrolled ADM;
  - Otherwise, the district's enrolled ADM times the difference between the district's base cost per pupil and the district's per-pupil local capacity amount.
- ❖ Specifies that the district's "state share percentage" is equal to the district's state share divided by the district's aggregate base cost.

#### ***2. Targeted assistance***

- ❖ Specifies that targeted assistance includes both of the following:
  - A capacity amount if the district's enrolled ADM is greater than or equal to 200 and its capacity index is greater than one (where a district's capacity index is calculated by first computing the district's weighted wealth (60% of the aggregate amount used to calculate its valuation per pupil and 40% of the aggregate amount used to calculate its adjusted federal gross income per pupil) and then dividing the statewide median weighted wealth by the district's weighted wealth), calculated based on the difference between the statewide median wealth times eight mills and the district's weighted wealth times eight mills.
  - 100% of the calculated amount is paid if the district's enrolled ADM is greater than or equal to 600, a percentage of the calculated amount between 5% and 100% (determined on a sliding scale) is paid if the district's enrolled ADM



is between 400 and 600, and 5% of the calculated amount is paid if the district's enrolled ADM is greater than or equal to 200 but less than or equal to 400. (A capacity index greater than one indicates that a district's capacity is lower than the statewide median capacity.)

- A wealth amount if the district's wealth index (the statewide median weighted wealth per pupil divided by the district's weighted wealth per pupil) is greater than or equal to 0.8, calculated based on the difference between the statewide median wealth per pupil times 14 mills and the district's weighted wealth per pupil times 11.2 mills and then multiplied by the district's enrolled ADM.

(When calculating a district's wealth per pupil, a district's enrolled ADM is adjusted by subtracting the number of students enrolled in the district under an open enrollment policy and adding the number of students entitled to attend school in the district who open enroll in another district.)

### ***3. Special education funds***

- ❖ Calculates special education funds for each of the six categories of special education students specified in continuing law using multiples instead of dollar amounts;<sup>30</sup>
- ❖ Specifies that, for each category, a district's special education funds are equal to the product of the category's multiple, the statewide average base cost per pupil, the number of students in the district's enrolled ADM in that category, and the district's state share percentage;
- ❖ Sets aside 10% of a district's aggregate special education funds for catastrophic costs.

### ***4. Disadvantaged pupil impact aid***

- ❖ Specifies that a district's disadvantaged pupil impact aid equals \$422 times the district's "economically disadvantaged index" times the number of students in the district's enrolled ADM who are economically disadvantaged;
- ❖ Specifies that the district's "economically disadvantaged index" is equal to the square of the quotient of the percentage of the district's enrolled students who are economically disadvantaged divided by the statewide percentage of economically disadvantaged students in all public schools.

### ***5. English learner funds***

- ❖ Calculates English learner funds for each of the three categories of English learner students, with Category 1 including the same students as under prior law

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<sup>30</sup> Those multiples are prescribed in R.C. 3317.013.

(those who have been enrolled in schools in the United States for no more than 180 days and were not previously exempted from taking the spring administration of either of the state's English language arts assessments (reading or writing)), Category 2 including those students who have been enrolled for more than 180 days until they successfully achieve proficiency on the assessments, and Category 3 including those students who have achieved proficiency for two successive school years;

- ❖ Uses multiples rather than dollar amounts to calculate English learner funds;<sup>31</sup>
- ❖ Specifies that, for each category, a district's English learner funds are equal to the product of the category's multiple, the statewide average base cost per pupil, the number of students in the district's enrolled ADM in that category, and the district's state share percentage;
- ❖ Specifies that English learner funds must be spent only for services for English learners.

## **6. Gifted student funds**

- ❖ Specifies that a district's gifted student funding includes all of the following:
  - Gifted identification funds equal to \$24 times the district's enrolled ADM for grades kindergarten through 6 times the district's state share percentage;
  - Gifted referral funds equal to \$2.50 times the district's enrolled ADM times the district's state share percentage;
  - Gifted professional development funds equal to the greater of the number of gifted students enrolled in the district and 10% of the district's enrolled ADM times the district's state share percentage times \$7 for FY 2022 or \$14 for FY 2023;
  - Gifted coordinator unit funds equal to \$85,776 for every unit (with a unit equaling 3,300 students in the district's enrolled ADM, with a minimum of 0.5 units and a maximum of eight units allocated) times the district's state share percentage;
  - Gifted intervention specialist units for grades kindergarten through 8 equal to \$89,378 for every unit (with a unit equaling 140 gifted students enrolled in grades kindergarten through 8 in the district, with a minimum of 0.3 units allocated) times the district's state share percentage;
  - Gifted intervention specialist units for grades 9 through 12 equal to \$80,974 for every unit (with a unit equaling 140 gifted students enrolled in grades

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<sup>31</sup> Those multiples are prescribed in R.C. 3317.016.

9 through 12 in the district, with a minimum of 0.3 units allocated) times the district's state share percentage.

- ❖ Requires a district to spend the gifted student funds it receives only for the identification of gifted students, gifted coordinator services, gifted intervention specialist services, other service providers approved by the Department, and gifted professional development;
- ❖ Requires the Department, if it determines that a district is not in compliance with this spending requirement for any fiscal year, to reduce the district's foundation funding payments for that fiscal year by the amount of gifted funding paid to the district for that fiscal year that was not spent in accordance with the above spending requirement.

### ***7. Career-technical education funds***

- ❖ Calculates career-technical education funds for each of the five categories of career-technical education students specified in continuing law using multiples instead of dollar amounts;<sup>32</sup>
- ❖ Specifies that, for each category, a district's career-technical categorical funds are equal to the product of the category's multiple, the statewide average career-technical base cost per pupil, the number of students in the district's enrolled ADM in that category, and the district's state share percentage.

### ***8. Career-technical associated services funds***

- ❖ Uses a multiple rather than a dollar amount for the calculation of career-technical associated services funds;<sup>33</sup>
- ❖ Specifies that a district's career-technical associated services funds are equal to the product of (1) the district's career-technical education students, (2) the statewide average career-technical base cost per pupil, (3) the associated services multiple, and (4) the district's state share percentage.

### **State core foundation funding after application of the phase-in and the guarantee**

(R.C. 3317.019, 3317.02, and 3317.022; Sections 265.215 and 265.220)

- ❑ Provides a phase-in of a city, local, or exempted village school district's state core foundation funding payments for FY 2022 and FY 2023.
- ❑ Specifies a "general phase-in percentage" of 16.67% for FY 2022 and 33.33% for FY 2023 and a "phase-in percentage for disadvantaged pupil impact aid" of 0% for FY 2022 and 14% for FY 2023.

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<sup>32</sup> Those multiples are prescribed in R.C. 3317.014(A).

<sup>33</sup> That multiple is prescribed in R.C. 3317.014(B).

- Calculates the phase-in of a district's state core foundation funding (before application of the guarantee) as follows:
  - ❖ Determine the district's "funding base," which equals the district's FY 2020 foundation funding (excluding base and "other" transportation funding and the transportation supplement) prior to any state budget reductions ordered by the Governor, after adjusting for transfers for (1) students attending community and STEM schools (other than those for career-technical education and transportation), (2) students receiving state scholarships, and (3) students open enrolling (other than those open enrolling for career-technical education);
  - ❖ Determine the district's "general funding base," which is equal to the district's "phase-in funding base" minus the district's FY 2020 economically disadvantaged funds adjusted for transfers as described above;
  - ❖ Determine the sum of the district's state core foundation funding components that are subject to the general phase-in (the district's state share of the base cost, targeted assistance, special education funds, English learner funds, gifted student funds, career-technical education funds, and career-technical associated services funds under the formula);
  - ❖ Compute the difference between the district's "general funding base" and the sum of the district's state core foundation funding components that are subject to the general phase-in;
  - ❖ Multiply that difference by the district's general phase-in percentage to determine the general phase-in amount;
  - ❖ Determine the district's "disadvantaged pupil impact aid funding base," which is equal to the district's FY 2020 economically disadvantaged funds adjusted for transfers as described above;
  - ❖ Compute the difference between the district's "disadvantaged pupil impact aid funding base" and the district's disadvantaged pupil impact aid;
  - ❖ Multiply that difference by the district's phase-in percentage for disadvantaged pupil impact aid to determine the disadvantaged pupil impact aid phase-in amount;
  - ❖ Add the district's general phase-in amount, disadvantaged pupil impact aid phase-in amount, and "funding base" to determine the district's state core foundation funding after application of the phase-in (but before application of the guarantee).
- Guarantees each district a total amount of state core foundation funding equal to its "funding base."
- During the general phase-in, requires that, if a city, local, or exempted village school district has a decrease in incoming open enrollment students between one fiscal year and the next that equals the greater of 20 students or a 10% decrease in open

enrollment students, its guaranteed funding must be reduced by the statewide average base cost per pupil times the reduction in the number of students in excess of that prescribed minimum decrease.

**Spending requirements for disadvantaged pupil impact aid and the student wellness and success component of the base cost**

(R.C. 3317.011(E)(3) and 3317.25; Section 265.323)

- Specifies that the initiatives for which economically disadvantaged funds must be spent under prior law are also the initiatives for which disadvantaged pupil impact aid must be spent under the act. (Continuing law requires these funds to be spent for one or more of the initiatives or a combination of the initiatives.)
- Adds the following initiatives to the list of initiatives for which disadvantaged pupil impact aid must be spent and also specifies that the portion of a district's state share of the base cost that is attributable to the staffing cost for the student wellness and success component of the base cost, as determined by the Department, must be spent for one or more of the following initiatives:
  - ❖ Mental health services, including telehealth services;
  - ❖ Culturally appropriate, evidence-based or evidence-informed prevention education, including youth-led programming and social and emotional learning curricula to promote mental health and prevent substance use and suicide;
  - ❖ Services for homeless youth;
  - ❖ Services for child welfare involving youth;
  - ❖ Community liaisons or programs that connect students to community resources, including City Connects, Communities in Schools, and other similar programs;
  - ❖ Physical health care services, including telehealth services;
  - ❖ Family engagement and support services; and
  - ❖ Student services provided prior to or after the regularly scheduled school day or any time school is not in session.
- Requires that a district must develop a plan for utilizing its disadvantaged pupil impact aid in coordination with one of the following: a board of alcohol, drug, and mental health services, an educational service center (ESC), a county board of developmental disabilities, a community-based mental health treatment provider, a board of health of a city or general health district, a county department of job and family services, a nonprofit organization with experience serving children, or a public hospital agency.
- Requires a district's annual report of the initiatives on which its disadvantaged pupil impact aid was spent (which is required under continuing law) to be submitted in a manner prescribed by the General Assembly and to include the amount of money that was spent on each initiative.

- Specifies that a district's annual report of the initiatives on which its disadvantaged pupil impact aid was spent must be submitted after the end of each fiscal year (rather than at the end of each fiscal year as under prior law).
- Requires a district, after the end of each fiscal year, to submit a report to the Department, in a manner prescribed by the Department, describing the initiative or initiatives on which the portion of a district's state share of the base cost that is attributable to the staffing cost for the student wellness and success component of the base cost was spent.

### **Transportation funding**

(R.C. 3301.0714(B)(5), (6), and (7), 3317.024(C), 3317.019(A)(2), and 3317.0212)

- Requires the Department to pay each city, local, and exempted village school district the sum of the following in transportation funding:
  - ❖ Base transportation funding calculated in the same manner as prior law, except that (1) the state share is increased to the greater of the district's state share percentage or 29.17% for FY 2022 or 33.33% for FY 2023, (2) students who live less than one mile away from school are included in the district's qualifying rider count, (3) preschool students are included in the district's qualifying rider count, (4) a district's qualifying ridership count is the greater of the average number of qualifying riders counted in the morning or counted in the afternoon who are provided school bus service by the district during the first full week of October, and (5) a weight of 1.5 for community and STEM school students and a weight of 2.0 for nonpublic school students is applied when calculating a district's cost for the number of students transported;
  - ❖ An efficiency adjustment based on the district's demonstration of efficiency by transporting more than a target number of students per bus, calculated based on the district's base transportation funding times a percentage that increases from 0% to 15% as the district's efficiency increases;
  - ❖ Payments for other types of pupil transportation as prescribed by administrative rules;
  - ❖ A density supplement for districts with low rider density calculated in the same manner as prior law, except that (1) "rider density" is defined as a district's total number of qualifying riders divided by the number of square miles in the district (rather than the district's total ADM per square mile as under prior law) and (2) eligibility for the supplement is limited to those districts with a rider density less than 28 (rather than those districts with a rider density less than 50 as under prior law).
- Specifies that each district is guaranteed transportation funding equal to the sum of the district's base transportation funding, transportation supplement, and "other" transportation funding for FY 2020 prior to any state budget reductions ordered by the Governor.

- Requires that a district's payment for the approved cost of transporting eligible students with disabilities whom it is impossible or impractical to transport by regular school bus is equal to the actual costs incurred when transporting those students multiplied by the greater of the district's state share percentage or 29.17% for FY 2022 or 33.33% for FY 2023 (rather than the approved cost of such transportation as under prior law).
- Requires the State Board of Education to establish the deadline for each district to report its actual costs for transporting eligible students with disabilities whom it is impossible or impractical to transport by regular school bus, and specifies that costs reported by each district or ESC must be subject to periodic, random audits by the Department.
- Requires each district's annual report to the Department of its qualifying ridership and any other information requested by the Department to be submitted no later than November 1, rather than October 15 as under prior law.
- Requires each district to report the average number of students riding on school buses routed to community schools, STEM schools, and nonpublic schools to the Department of Education through the Education Management Information System (EMIS).

### **Supplemental targeted assistance**

(R.C. 3317.022 and 3317.0218)

- Requires the Department to pay supplemental targeted assistance if a city, local, or exempted village school district has both (1) a targeted assistance wealth index for FY 2019 greater than 1.6 and (2) an enrolled ADM for FY 2019 that is less than 88% of the district's total ADM for FY 2019, calculated based on the district's wealth index for FY 2019 in comparison to the maximum wealth index for FY 2019 of those districts eligible for the supplemental amount and equal to a scaled amount between \$75 and \$750 per pupil times the district's enrolled ADM.

### **Career awareness and exploration funds**

(R.C. 3317.014(E) and 3317.023)

- Specifies that a district's career awareness and exploration funds are equal to a district's enrolled ADM times \$2.50 for FY 2022 or \$5 for FY 2023.
- Requires a district's career awareness and exploration funds to be transferred to the lead district of the career-technical planning district (CTPD) to which the district belongs.
- Requires each lead district of a CTPD to disperse career awareness and exploration funds to school districts receiving services from the CTPD that provide plans for the use of those funds that are consistent with the CTPD's plan that is on file with the Department.

- Specifies that career awareness and exploration funds must be spent only for the following purposes:
  - ❖ Delivery of career awareness programs to students enrolled in grades kindergarten through 12;
  - ❖ Provision of a common, consistent curriculum to students throughout their primary and secondary education;
  - ❖ Assistance to teachers in providing a career development curriculum to students;
  - ❖ Developments of a career development plan for each student that stays with that student for the duration of the student's primary and secondary education;
  - ❖ Provision of opportunities for students to engage in activities, such as career fairs, hands-on experiences, and job shadowing, across all career pathways at each grade level.
- Permits the Department to deny payment of these funds to any district that the Department determines is using the funds for other purposes.

### **State operating funding for joint vocational school districts**

(R.C. 3317.012, 3317.014, 3317.16, and 3317.162)

- Provides a substantially similar funding formula for joint vocational school districts (JVSDs) as that for city, local, and exempted village school districts (including the phase-in and guarantee), with the following changes:
  - Replaces the "special teacher" cost in the base cost computation with the "cost for teachers providing health and physical education, instruction regarding employability and soft skills, development and coordination and internships and job placements, career-technical student organization activities, pre-apprenticeship and apprenticeship coordination, and any assessment related to career-technical education, including any nationally recognized job skills or end-of-course assessment," but calculates the cost in the same manner;
  - Does not specify a minimum for the number of staff members for the staffing cost for student wellness and success for the district in the base cost computation;
  - Replaces the cost computations for academic and athletic co-curricular activities in the base cost computation, combines them into one cost computation for "career-technical curriculum specialists and coordinators, career assessment and program placement, recruitment and orientation, student success coordination, analysis of test results, development of intervention and remediation plans and monitoring of those plans, and satellite program coordination," and calculates this cost as the district's "base cost enrolled ADM" multiplied by the sum of the per-pupil academic co-curricular costs and the per-pupil athletic co-curricular costs for city, local, and exempted village school districts;



- Calculates a JVSD's state share using a  $\frac{1}{2}$  mill charge-off times the lesser of the district's three-year average valuation or most recent valuation; and
- As under prior law, does not provide targeted assistance, gifted student funding, or transportation funding to JVSDs.

### **Community school and STEM school funding**

(R.C. 3314.08, 3314.091, 3317.0110, 3317.02, 3317.022, 3317.023, 3317.026, 3326.39, and 3326.43; repealed R.C. 3314.085, 3326.33, and 3326.41; conforming changes in numerous R.C. sections)

- Requires the Department to compute and distribute state core foundation funding to each community school and science, technology, engineering, and mathematics (STEM) school in an amount equal to the sum of the following for each student enrolled in the school on a full-time equivalency basis:
  - The school's unique base cost per pupil, which is computed using a unique "aggregate" base cost that is divided by the school's enrollment for that fiscal year. Calculates the unique aggregate base cost using the same five components for the base cost that are calculated for city, local, and exempted village school districts (with all of the average salaries and costs within the base cost computation calculated using data from FY 2018), but with the following changes:
    - ❖ For purposes of the school's teacher cost component, does not require a minimum of special teachers funded, but otherwise calculates this component in the same manner as it is calculated for city, local, and exempted village school districts;
    - ❖ Calculates the school's student support base cost as the product of (1) the school's enrollment and (2) the per-pupil statewide average student support base cost for all city, local, and exempted village school districts;
    - ❖ Calculates the school's leadership and accountability base cost as the product of (1) the school's enrollment and (2) the per-pupil statewide average leadership and accountability base cost for all city, local, and exempted village school districts;
    - ❖ Calculates the school's building leadership and operations base cost as the product of (1) the school's enrollment and (2) the per-pupil statewide average building leadership and operations base cost for all city, local, and exempted village school districts; and
    - ❖ Provides the athletic co-curricular activities base cost component to the school if it is either a member of an organization that regulates interscholastic athletics or has teams in at least three different sports that participate in an interscholastic league, and calculates this component as the product of (1) the school's enrollment and (2) the per-pupil statewide average athletic co-curricular activities base cost for all city, local, and exempted village school districts.

- Special education funds equal to the product of the student's special education category's multiple and the statewide average base cost per pupil;
  - Disadvantaged pupil impact aid equal to \$422 times the school's "economically disadvantaged index" (the school's "economically disadvantaged index" is equal to the square of the quotient of the percentage of the school's students who are economically disadvantaged divided by the statewide percentage of economically disadvantaged students in all public schools);
  - English learner funds equal to the product of the category's multiple and the statewide average base cost per pupil;
  - Career-technical categorical funds equal to the product of the student's career-technical education category's multiple and the statewide average career-technical base cost per pupil (see above); and
  - For each student enrolled in career-technical education, career-technical associated services funds equal to the product of the statewide average career-technical base cost per pupil, and the associated services multiple.
- Provides a phase-in of a community school's or STEM school's state core foundation funding that is substantially similar to the phase-in of a school district's state core foundation funding, except all components are subject to the general phase-in percentage for school districts.
  - Maintains continuing law regarding the payments for internet- and computer-based community schools (e-schools) (requires payment of the base cost per pupil, special education funds, and career-technical education funds).
  - Specifies that a community school's transportation payment is equal to either (1) 1.0 times the statewide transportation cost per student, for a student whose school district of residence would have used a method of transportation for the student for which payments would have been computed and paid using the base transportation payment calculation described above, or (2) the amount that otherwise would have been computed and paid to the student's school district of residence, if the district would have used any other method of transportation for the student.

(Under continuing law, a community school receives this payment only if it takes over from a school district the responsibility to provide transportation to the district's students that are enrolled in the school, and the payment amount equals the amount calculated on a per-rider basis that otherwise would have been paid to the student's school district of residence regardless of the method of transportation that the district would have used.)

- Requires the Department to pay each community school and STEM school career awareness and exploration funds equal to \$2.50 for FY 2022 or \$5 for FY 2023 for each student enrolled in the school on a full-time equivalency basis. (These funds are transferred to a school's CTPD and paid to the school in the same manner described

above for school districts. The schools are also subject to the same spending restrictions for these funds as specified above for school districts.)

## **Formula transition supplement**

(Section 265.225)

- Requires the Department to pay a formula transition supplement to each city, local, and exempted village school district for FY 2022 and FY 2023 calculated as follows:
  - Determine the district's funding base for FY 2021, which equals (1) the district's FY 2021 foundation funding before any state budget reductions ordered by the Governor, after adjusting for transfers for (a) students attending community and STEM schools, (b) students receiving state scholarships, and (c) students open enrolling, (2) the district's FY 2021 enrollment growth supplement, and (3) the district's student wellness and success funds and enhancement funds for FY 2021;
  - Subtract from that amount the sum of the district's state core foundation funding, transportation funding, and supplemental targeted assistance for the fiscal year for which the supplement is calculated to determine the district's formula transition supplement (if this difference is less than zero, the district's supplement equals zero).
- Requires the Department to pay a formula transition supplement to each joint vocational school district for FY 2022 and FY 2023 calculated as follows:
  - Determine the district's funding base for FY 2021, which equals (1) the district's FY 2021 foundation funding after adjusting for transfers for students open enrolling and (2) the district's student wellness and success funds and enhancement funds for FY 2021;
  - Subtract from that amount the sum of the district's state core foundation funding for the fiscal year for which the supplement is calculated to determine the district's formula transition supplement (if this difference is less than zero, the district's supplement equals zero).
- Requires the Department to pay a formula transition supplement to each community school and STEM school for FY 2022 and FY 2023 calculated as follows:
  - Determine the school's funding base for FY 2021, which equals (1) the school's FY 2021 funding before any state budget reductions ordered by the Governor, (2) the school's student wellness and success funds and enhancement funds for FY 2021, and (3) in the case of a community school, its transportation payments for FY 2021;
  - Divide the school's funding base for FY 2021 by the number of students enrolled in the school for FY 2021 to determine the school's per-pupil funding for FY 2021;
  - Determine the sum of the school's state core foundation funding and, in the case of a community school, transportation funding for the fiscal year for which the

supplement is calculated, and divide that amount by the number of students enrolled in the school for the fiscal year for which the supplement is calculated;

- Subtract that amount from the school's per-pupil funding for FY 2021, then multiply that difference by the number of students enrolled in the school for the fiscal year for which the supplement is calculated to determine the school's formula transition supplement (if this amount is less than zero, the school's supplement equals zero).

## **Educational service center funding**

(R.C. 3317.11)

- Subject to the phase-in percentage (see below), calculates the phase-in of each ESC's funding for a fiscal year as follows:
  - Determine the ESC's "funding base," which equals the amount paid to the ESC for FY 2020;
  - Compute an amount for the ESC for that fiscal year as follows:
    - ❖ If the ESC has a student count of 5,000 or less, a lump sum of \$356,250;
    - ❖ If the ESC has a student count greater than 5,000 but less than or equal to 35,000, the lump sum amount specified above, plus a per-pupil payment of \$24.72 for each student above 5,000 in the ESC's student count;
    - ❖ If the ESC has a student count greater than 35,000, the lump sum amount specified above, plus a per pupil payment of \$24.72 for each student above 5,000 in the ESC's student count, plus an additional per pupil payment for each student above 35,000 in the ESC's student count.
  - Compute the difference between the ESC's "funding base" and the amount computed for the ESC for that fiscal year;
  - Multiply that difference by the general phase-in percentage for that fiscal year;
  - Add that product to an ESC's "funding base" to determine its funding for that fiscal year.
- Specifies that an ESC's general phase-in percentage equals the same general phase-in percentage for FY 2022 and FY 2023 as for school districts (16.67% for FY 2022 and 33.33% for FY 2023).

## **Subsidy for school bus purchases**

(R.C. 3317.071)

- Requires the Department to implement a program to distribute bus purchasing grants of not less than \$45,000 to city, local, and exempted village school districts for the purpose of replacing the oldest and highest mileage buses in the state assigned to routes.
- Requires the Department to annually collect age, mileage, and vehicle condition data from districts through its transportation data collection system.

## **Transportation collaboration grants**

(R.C. 3317.072)

- Requires the Department of Education to award transportation collaboration grants of no more than \$10,000 each fiscal year to city, local, and exempted village school districts for efforts that lead to shared resource management, routing consolidation, regional collaboration, or other activities that have the potential to reduce transportation operating costs. Establishes the transportation collaboration fund to be used for this purpose.

## **Gifted student funding and service reporting requirements**

(R.C. 3324.05 and 3324.09)

- Requires the Department's annual report of each district's expenditures of gifted funding to also include the amount of gifted funding received by each district.
- Requires each district to submit, as part of its annual report to the Department regarding the identification of gifted students required under continuing law, the number of students receiving gifted services in each category of gifted students.
- Requires the Department to publish, by October 31 of each year, both of the following using the data submitted by school districts under the Education Management Information System (EMIS):
  - Services offered by districts to students identified as gifted in each of the following grade bands: kindergarten through third grade, fourth through eighth grade, and ninth through twelfth grade; and
  - The number of licensed gifted intervention specialists and coordinators employed or contracted by each district.
- Requires the Department to audit each district's gifted service numbers in the same manner that it audits each district's gifted identification numbers under continuing law.
- Requires (rather than permits as under prior law) the Department to reduce a district's foundation funding if the district is not in compliance with existing requirements regarding identification of gifted students (including the reporting requirement described above) and the act's reporting requirement regarding the provision of services to gifted students.

## **School financing for FY 2024 and after**

(R.C. 3317.022 and numerous other R.C. sections)

- Specifies that the various components of the school financing system for FY 2022 and FY 2023 described above will be calculated in a manner determined by the General Assembly for FY 2024 and each fiscal year thereafter.
- Specifies that those components of the school financing system for FY 2022 and FY 2023 described above that were not components of the school financing system prior to

FY 2022 and FY 2023 will be calculated in a manner determined by the General Assembly for FY 2024 and each fiscal year thereafter if the General Assembly authorizes those payments.

## **Repeal of student wellness and success funds**

(Repealed R.C. 3314.088, 3317.0219, 3317.163, 3317.26, and 3326.42; Section 265.323)

- Repeals the requirement for the Department to pay student wellness and success funds and enhancement funds to school districts, community schools, and STEM schools and the spending requirements for those funds (but applies similar spending requirements to disadvantaged pupil impact aid).
- Requires that, if a district or school spends student wellness and success funds and enhancement funds it received for FY 2020 or FY 2021 on or after September 30, 2021, those funds must be spent in accordance with the spending requirements for student wellness and success funds and enhancement funds as they existed prior to the act's effective date, and permits the Department to require districts and schools to report how all of those funds are spent.

## **Payment for districts with decreases in utility TPP value**

(Section 265.237)

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

### **Eligibility determination**

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

1. If the district is eligible for the FY 2022 payment, its total taxable value for tax year 2021 and the change in taxes charged and payable on the district's total taxable value for tax years 2017 and 2021;
2. If the district is eligible for the FY 2023 payment, its total taxable value for tax year 2022 and the change in taxes charged and payable on the district's total taxable value for tax years 2017 and 2022; and
3. If the district is eligible for either payment, the taxable value of the utility TPP decrease and the change in taxes charged and payable on the change in taxable value.

## **Payment amount**

The act requires the Department, for purposes of computing the payment, to replace the three-year average valuations used in computing a district's state education aid for FY 2019 with the district's total taxable value for tax year 2021 (for the FY 2022 payment) or tax year 2022 (for the FY 2023 payment). It then must recompute the district's state education aid for FY 2019 without applying any funding limitations enacted by the General Assembly.

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

1. The lesser of either:

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

b. The absolute value of the change in taxes charged and payable on the district's total taxable value for tax years 2017 and 2021 (for the FY 2022 payment) or for tax years 2017 and 2022 (for the FY 2023 payment).

2. 0.50 times the absolute value of the change in taxes charged and payable on the district's total taxable value for tax years 2017 and 2021 (for the FY 2022 payment) or for tax years 2017 and 2022 (for the FY 2023 payment).

## **Payment deadline**

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

## **Payment for districts with nuclear plants in territory – repealed**

(Repealed R.C. 3317.029)

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

## **Recommendations for compensating valuation losses – repealed**

(R.C. 3317.27, repealed)

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



## **Auxiliary Services funds – direct payment**

(R.C. 3317.024; Section 265.170)

The act permits all chartered nonpublic schools, instead of only nonreligious-affiliated schools as under prior law, to choose whether to receive Auxiliary Services funds directly from the Department.<sup>34</sup> Otherwise, by default a school receives those funds through the school district in which it is located. For any year in which a religious chartered nonpublic school chooses direct payment, the act requires submission of an affidavit to the Department certifying that funds will be spent in a lawful manner and for permissible purposes. Generally, under continuing law, a chartered nonpublic school must notify the Department by April 1 of each odd-numbered year to receive Auxiliary Services funding directly for the biennium that begins the following July 1. However, the act temporarily permits any chartered nonpublic school to choose direct payment for the 2021-2022 and 2022-2023 school years by notifying the Department by July 31, 2021.

### **Designation of organization to receive funds on behalf of a school**

The act permits any chartered nonpublic school that elects to receive Auxiliary Services funds directly to designate an organization that oversees one or more nonpublic schools to receive and distribute those funds on its behalf. Generally, a school that designates an organization to receive funds on its behalf must notify the Department of the organization's name by April 1 of each odd-numbered year. However, for the 2021-2022 and 2022-2023 school years, a chartered nonpublic school that elects to designate an organization to receive those funds on its behalf must do so by July 31, 2021.

Organizations designated to manage a school's Auxiliary Services funds may charge the school up to 4% of the total amount of its Auxiliary Services payments. An organization designated to receive funds of multiple chartered nonpublic schools may use one or more accounts to manage the funds but must ensure that each school receives the funds to which it is entitled.

The act requires each chartered nonpublic school that elects to receive funds directly or an organization designated to receive and disburse Auxiliary Services funds on behalf of a school to maintain records of receipt and expenditures of the funds in a manner that conforms with generally accepted accounting principles.

Finally, the Department must create and disseminate a standardized reporting form that may be used to record receipt and expenditure of Auxiliary Services funds, but it may not require use of the form.

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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, or tutoring and other special services. See R.C. 3317.06, not in the act, and 3317.062.



## **Use of directly paid Auxiliary Services funds**

(R.C. 3317.062)

The act clarifies that directly paid Auxiliary Services funds may be used to acquire good and services under contract with school districts, educational service centers, the Department of Health, city or general health districts, or private entities.

It also permits chartered nonpublic schools to sell, donate, trade, or otherwise dispose of materials and equipment, including textbooks, purchased with Auxiliary Services funds that are no longer needed, obsolete, or unfit for use or that have been in the school's possession at least four years. But the school must return the proceeds from a sale to the state.

## **Auxiliary Services Reimbursement Fund**

(R.C. 3317.064)

The act permits educational service centers (in addition to school districts as under continuing law) to apply to the Department for moneys from the Auxiliary Services Reimbursement Fund for payment of incentives for early retirement and severance for personnel assigned to provide services at chartered nonpublic schools.

## **Chartered nonpublic school administrative cost reimbursement**

(R.C. 3317.063; Section 265.180)

The act removes the \$360 maximum annual per-pupil amount for administrative cost reimbursement for chartered nonpublic schools prescribed in prior codified law. Instead, the act prohibits cost reimbursement payments from exceeding the maximum annual per-pupil amount specified by the General Assembly for each particular school year. The act further prescribes in uncoded law, for each of FY 2022 and FY 2023, a maximum annual per-pupil maximum amount of \$475.<sup>35</sup>

## **II. Graduation requirements and assessments**

### **High school graduation requirements**

The act makes several changes to the high school graduation requirements for students who entered 9<sup>th</sup> grade for the first time on or after July 1, 2019 (the Class of 2023 and on).

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<sup>35</sup> Chartered nonpublic schools may receive reimbursement for the actual mandated service, administrative, and clerical costs incurred during the preceding school year in preparing, maintaining, and filing reports, forms, and records and providing such other administrative and clerical services that are not an integral part of the teaching process.

In addition to meeting the state's minimum curriculum requirements, continuing law generally requires those students to demonstrate competency in math and English language arts and earn at least two diploma seals to qualify for a high school diploma.<sup>36</sup>

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

Continuing law prescribes a system of 12 diploma seals, divided among two categories: state-defined diploma seals and locally defined diploma seals. Both types of diploma seals have requirements prescribed in statute, but a state actor, usually the Department, is often involved in implementing the requirements for state-defined seals. For locally defined seals, the requirements are implemented by the student's school. There are nine state-defined seals and three locally defined seals; a district or school must adopt guidelines for at least one locally defined seal. At least one of the diploma seals a student earns must be state-defined.<sup>37</sup>

### **Industry-recognized credentials**

(R.C. 3313.618, 3313.6113, and 3313.6114)

The act requires the Superintendent of Public Instruction's industry-recognized credentials and licenses committee to assign a point value for each credential and establish the total number of points that a student must earn to satisfy certain high school graduation criteria. Specifically, the act requires a student to earn the total number of points to qualify for an Industry-Recognized Credential diploma seal or to use industry-recognized credentials as a "foundational" option when using an alternative demonstration of competency. Prior law specified only that a student must earn an industry-recognized credential for either of those purposes.

In addition, the act requires the Department, when calculating the number of students who earned an industry-recognized credential for the state report card, to include only students who earned a credential, or group of credentials, at least equal to that total number of points required for graduation.

A similar provision was enacted in H.B. 82 of the 134<sup>th</sup> General Assembly, effective September 30, 2021.

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<sup>36</sup> The law 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 meet those requirements to qualify for a high school diploma.

<sup>37</sup> For more information, the Department of Education's guidance about graduation requirements is available [here](#).

## **State-issued licenses**

(R.C. 3313.618 and 3313.6114)

The act permits students who obtain a state-issued license for practice in a vocation that requires an exam to use that license to qualify for an Industry-Recognized Credential diploma seal or as a “foundational” option when using an alternative demonstration of competency.

A similar provision was enacted in H.B. 82 of the 134<sup>th</sup> General Assembly, effective September 30, 2021.

## **Chartered nonpublic schools**

(R.C. 3313.618 and 3313.619)

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

Similarly, students enrolled in chartered nonpublic schools that administer only an alternative assessment approved by the Department are exempt from demonstrating competency or earning diploma seals.

The act also generally requires chartered nonpublic schools to offer remedial support to any student who fails to attain a competency score on one or both of the Algebra I or English Language Arts II end-of-course exams, as required for public schools under continuing law.

## **Transfers between schools**

(R.C. 3313.6114)

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

## **Transfers into schools**

(R.C. 3313.618 and 3313.6114)

The act requires transfer students who, in the prior school year, were homeschooled or attended an out-of-state or nonchartered, nonpublic school to demonstrate competency and earn diploma seals. However, the act exempts such students who transfer in 12<sup>th</sup> grade and fail

to attain a competency score on the Algebra I or English language arts II end-of-course exam from having to retake that exam prior to using an alternative demonstration of competency.

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

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

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

### **Exemption for certain students with IEPs**

(R.C. 3313.61 and 3313.618)

The act exempts a student with a disability who has an individualized education program (IEP) from demonstrating competency in math and English language arts if the IEP expressly exempts the student from that requirement and the student satisfies certain conditions regarding state testing.

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

### **ACT or SAT score as alternative demonstration of competency**

(R.C. 3313.618; conforming change in R.C. 3301.0714)

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

### **“Foundational” options**

(R.C. 3313.618)

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

using an alternative demonstration of competency. Prior law required a student to earn a score of proficient or higher on three state technical assessments.

The act also clarifies that an apprenticeship used as a “foundational” option must be registered with the Ohio State Apprenticeship Council. It further clarifies that a pre-apprenticeship used as a “foundational” option must align with standards established under continuing law.

### **Citizenship and Science diploma seal requirement changes**

(R.C. 3313.6114)

The act expands the ways in which a student may earn the Citizenship and Science diploma seals by qualifying students for those seals for completing courses offered by their high schools and by permitting students with significant cognitive disabilities to earn those seals based on their alternate assessment scores.

Specifically, the act qualifies a student for a Citizenship diploma seal if that student attains a final course grade of “B” or higher in an American history course and American government course offered by the student’s high school. Similarly, the act qualifies a student for a Science diploma seal if the student attains a final course grade of “B” or higher in any of the following courses offered by the student’s high school:

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

In addition, the act permits a student with significant cognitive disabilities to earn the Citizenship or Science diploma seal by attaining scores set by the State Board on the alternate assessments in social studies or science.

(The act also qualifies certain transfer students for the Citizenship or Science diploma seal, see “**Transfers into schools**,” above.)

Continuing law permits students to earn the Citizenship or Science diploma seal by attaining scores of proficient or higher on relevant end-of-course exams, scores at least equivalent to proficient on appropriate AP or IB exams, or final course grades of “B” or higher in appropriate College Credit Plus courses.

### **Nationally standardized college admission assessments**

(R.C. 3301.0712)

Beginning with students who enter the 9<sup>th</sup> grade for the first time in the 2022-2023 school year (the Class of 2026), the act permits the parent or guardian of a student to choose not to have a nationally standardized assessment administered to that student. In that case, the student’s school district, other public school, or chartered nonpublic school must not administer that assessment to that student.

The act does not affect the requirement under continuing law that students prior to the Class of 2026 must take the ACT or SAT.

An identical provision was enacted in H.B. 82 of the 134<sup>th</sup> General Assembly, effective September 30, 2021.

### **Kindergarten readiness and reading skills assessments**

(R.C. 3301.0715 and 3313.608)

The act requires a district or school to administer the Kindergarten Readiness Assessment, and the kindergarten reading skills assessment for the Third Grade Reading Guarantee, by the 20<sup>th</sup> day of instruction of the school year. Prior law required a district or school to administer those assessments by November 1.

### **III. Educator licensure**

#### **Teacher licensure disciplinary actions – human trafficking**

(R.C. 3319.31(C))

The act adds human trafficking<sup>38</sup> to the list of specific criminal offenses for which the State Board is required to revoke an individual's educator license or deny issuance or renewal of a license, without an administrative hearing.

#### **Release of information obtained during an investigation**

(R.C. 3319.319)

The act permits a school district or school located in Ohio or another state to request that the Department provide any report of misconduct that the Department has received regarding an individual whom the district or school is considering for employment. Upon receiving a request, the Department must provide the contents of any report of misconduct it has and notify the district or school of the confidential nature of the information.

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

#### **Assisting individuals in obtaining school employment**

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

The act prohibits a "school representative" from knowingly and intentionally assisting another individual in obtaining school employment to teach school age children, if the

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<sup>38</sup> R.C. 2905.32, not in the act.

representative knows or has reasonable cause to believe that the individual has committed a sex offense involving a student.

This prohibition does not apply if either:

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

## **Cheating on assessments**

(R.C. 3319.151 and 3319.99)

### **Prohibited actions**

The act prohibits a person from taking several other actions, in addition to those already prohibited under continuing law, regarding state achievement assessments, but it does not establish any type of criminal penalty for violations of these additional provisions. The additional prohibited actions are:

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

Continuing law already prohibits a person from revealing to a student specific questions that will appear on a state achievement assessment or otherwise helping the student cheat. A person who violates this continuing prohibition is guilty of a minor misdemeanor.

### **Consequences for teacher licensure and employment**

The act requires the State Board, after conducting an investigation, to take any action (license suspension, revocation, or limitation) that it considers appropriate against the license of a school employee who takes any of the prohibited actions described above, based on the nature and extent of the violation. However, continuing law mandates a one-year licensure suspension for the act of revealing test content. The act also specifies that the State Board must give the employee notice of an allegation regarding cheating on assessments upon beginning an investigation and an opportunity to respond prior to taking any disciplinary action.

Finally, it specifies that all of prohibited actions related to state achievement assessments are grounds for termination of a teacher contract and for termination of a nonteaching employee's position.

## **Teach for America licenses**

(R.C. 3319.227 and future R.C. 3319.227 amended in Section 110.10)

The act requires the state Superintendent, on behalf of the State Board, to inactivate a Teach for America (TFA) Program participant's resident educator license if the participant resigns or is dismissed from TFA prior to completing its two-year support program. Formerly, the State Board was required to revoke a TFA participant's license when the participant resigned or was dismissed.

Additionally, the act states that the inactivation of a TFA participant's license does not (1) constitute a suspension or revocation or (2) necessitate an opportunity for a hearing.

## **Pre-employment applications and screening**

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

### **Written notice on employment applications**

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

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

### **Pre-employment screening process**

Before making hiring decisions, the act requires each school district, other public school, and chartered nonpublic school to consult the Department's "Educator Profile" database, identified on the website as "CORE" – Connected Ohio Records for Educators.<sup>39</sup> After consulting the database, a district or school may consult with the Department's Office of Professional Conduct to determine if an applicant has been the subject of a disciplinary report or had any disciplinary actions taken by the Department. A district or school also may consult any of the applicant's prior education-related employers.

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

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

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<sup>39</sup> Ohio Department of Education, Educator Profile, available at <https://core.ode.state.oh.us/Core4/ODE.CORE.Lic.Profile.Public.UI/>.



## **Career-technical educator licensure**

(R.C. 3319.229)

The act qualifies an individual holding a certificate of high school equivalence for a two-year initial career-technical workforce development educator license or a five-year advanced career-technical workforce development educator license. Prior law required at least a high school diploma to qualify for these licenses.

## **Educator Standards Board membership**

(R.C. 3319.60)

The act adds five voting members to the Educator Standards Board (ESB). Those members include:

1. One person who represents community schools, appointed by the State Board of Education; and
2. Four persons, who are active in or retired from the education profession, two each appointed by the Speaker of the House and the President of the Senate.

The act also permits, instead of requiring as under prior law, the State Board to appoint the ESB's school district teacher members (see below) using lists of nominees from the Ohio Education Association (OEA) and Ohio Federation of Teachers (OFT). Under the act, the organizations still must submit their lists of nominees, 14 from the OEA, from which the State Board may appoint 7 members, and 6 from the OFT, from which the State Board may appoint 3 members. The act also retains the requirements that the State Board request additional nominees if there is an insufficient number of nominees from both lists to satisfy the membership requirements.

### **Background on ESB membership**

The ESB develops and recommends to the State Board of Education standards for educator professionals and educator professional development.

Besides the five members added by the act, under continuing law, the ESB consists of 21 other voting members as follows:

- 18 members appointed by the State Board, including:
  - Ten teachers employed by school districts (3 employed to teach in a secondary school, 2 in a middle school, 3 in an elementary school, 1 pre-kindergarten teacher, and 1 who serves on a local professional development committee);
  - One teacher employed by a chartered nonpublic school;
  - Five school administrators employed by school districts (1 secondary school principal, 1 middle school principal, 1 elementary school principal, 1 school treasurer or business manager, and 1 district superintendent);
  - One school district board member; and
  - One parent.

- Three members appointed by the Chancellor of Higher Education, who are employed by institutions of higher education that offer educator preparation programs (1 employed by a private nonprofit institution of higher education, 1 employed by a state university or a university branch, and 1 employed by a state community college, community college, or technical college).

The ESB also consists of six nonvoting members, including the state Superintendent, or designee; the Chancellor or designee; and the chairpersons and the ranking minority members of the education committees of the Senate and House.

## **School counselor standards**

(R.C. 3319.61)

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

CTAG is a result of criteria, policies, and procedures established by the Chancellor of Higher Education to ensure transfer of credit for career-technical courses “without unnecessary duplication or institutional barriers.”<sup>40</sup>

## **Computer science education licensure**

### **Exemption**

(Sections 610.10 and 610.11, amending Section 733.61 of H.B. 166 of the 133<sup>rd</sup> General Assembly)

The act extends through the 2022-2023 school year an exemption that permits a public school to permit 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 in a school district or school other than the one that employed the individual when the individual completed the professional development program.

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<sup>40</sup> See R.C. 3333.162, not in the act.

## Definition

(R.C. 3319.236; Sections 610.10 and 610.11, amending Section 733.61 of H.B. 166 of the 133<sup>rd</sup> General Assembly)

The act specifies that, for the purposes of computer science licensure or endorsements, “computer science courses” means courses that are reported in the Education Management Information System (EMIS) as computer science courses and are aligned with standards adopted by the State Board.<sup>41</sup>

## IV. Community schools

### Requirement to locate in challenged school districts – eliminated

(R.C. 3302.036, 3314.02, 3314.021, 3314.05, and 3314.353)

The act eliminates the requirement that new start-up community schools may be established only in a “challenged school district.” In keeping with this change, the act permits a community school governing authority to designate and modify the primary location of a community school established in two school districts under the same contract regardless of when the school was established or where the school’s primary location was prior to September 30, 2021.

It also (1) prohibits the Department from restricting new start-up schools on the basis of prospective location and (2) eliminates the requirement that the Department annually publish a list of challenged school districts.

Formerly, a new start-up community school could be established 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 low-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).<sup>42</sup>

### Automatic closure of community schools

(R.C. 3314.355)

The act prohibits the automatic closure of community schools on the basis of any report card ratings issued prior to the 2022-2023 school year. Thus, the 2022-2023 school year is a new starting point for automatic closure.

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<sup>41</sup> Otherwise, R.C. 3301.012, not in the act, specifies that computer science means “logical reasoning, computing systems, networks and the internet, data and analysis, algorithms and programming, impacts of computing, and structured problem solving skills applicable in many contexts from science and engineering to the humanities and business.”

<sup>42</sup> R.C. 3314.02(A)(3).

Together, [H.B. 197](#) and [H.B. 409](#), both of the 133<sup>rd</sup> General Assembly, prohibited the Department from publishing and issuing ratings for overall grades, components, and individual measures on the state report cards for both the 2019-2020 and 2020-2021 school years. Those acts also established a safe harbor from penalties and sanctions for districts and schools based on the absence of report card grades for those years.<sup>43</sup>

## **Disenrollment of e-school students – failure to participate**

(R.C. 3314.261)

The act modifies the disenrollment procedures of internet- or computer-based community schools (e-school) in which a majority of the students *are not* enrolled in a DOPR program. Under the act, a student who is disenrolled for failure to participate in instructional activities may not re-enroll in that school for the remainder of the school year, rather than for one year from the date of disenrollment as under prior law. The act also permits a disenrolled student to enroll in another e-school during that same school year, whereas prior law prohibited this unless the school was a DOPR school.

An e-school that is not a DOPR school must comply with attendance requirements that are different from brick-and-mortar community schools. Each of these schools must have a policy specifying that a student is in attendance when the student (1) participates in at least 90% of the hours of instructional activities offered by the school that year or (2) is on pace for on-time completion of any course in which the student is enrolled. The policy must provide for certain consequences, including disenrollment, after the student's unexcused absences exceed 30 hours, provided other conditions are satisfied.

## **Community school sponsors**

(R.C. 3314.013 and 3314.016)

### **Sponsor incentives – frequency of evaluations**

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

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<sup>43</sup> Section 17(B) of H.B. 197 and Section 6 of H.B. 409 of the 133<sup>rd</sup> General Assembly.

## **Sponsor incentives – opening new DOPR e-schools**

Finally, the act makes available a new incentive for sponsors rated “exemplary” during the most recent sponsor evaluation. These sponsors may open up to two new e-schools that will serve students enrolled in a DOPR program each year, not to exceed six new schools in a five-year period. Subject to approval by the state Superintendent, prior law restricted the opening of *any* new e-schools to a total of five per year.

## **Low-performing community school sponsor changes (VETOED)**

(R.C. 3314.034)

The Governor vetoed a provision that would have exempted community schools in which a majority of the enrolled students are children with disabilities receiving special education and related services from the restrictions on a low-performing community school from entering into a contract with a new sponsor without approval from the Department.

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

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

## **JCARR review of EMIS, other changes (VETOED)**

(R.C. 3301.85)

The Governor vetoed a provision that would have required the Department to submit to the Joint Committee on Agency Rule Review (JCARR) any proposed changes to the Education Management Information System (EMIS) or the Department’s “business rules and policies” that may affect community schools. JCARR would have then been required to hold public hearings regarding the changes, consider testimony, and vote to determine whether community schools can reasonably comply with those changes. The Department would have been prohibited from implementing any changes affecting community schools without JCARR’s affirmative determination.

## **Montessori preschool payments**

(R.C. 3314.06)

The act eliminates the requirement that the Department pay the “formula amount” (under the prior school funding law) for each student under age four admitted to a Montessori preschool operated by a community school. Instead, the act specifies such a school will receive no community school funds for students under age five. Such schools may be eligible for

payments under the act's separate uncodified provision for operation of early childhood education programs.<sup>44</sup>

## **Community School Revolving Loan Fund**

(Repealed R.C. 3314.30 and 3314.31)

The act eliminates the Community School Revolving Loan Fund and the Community School Security Fund, the latter of which was created to accept payment of funds borrowed from the Revolving Loan Fund. According to the Office of Budget and Management, the fund, established in 2003, has never been accessed by a community school.

## **Pilot funding for DOPR e-schools**

(Sections 610.04 and 610.05, amending Section 5 of H.B. 123 of the 133<sup>rd</sup> General Assembly)

The act extends to FY 2022 and FY 2023 the pilot program established initially for FY 2021 that provides additional funding for certain e-schools operating DOPR programs on a per-pupil basis for students in grades 8-12. It specifies that an e-school must have participated in the program for FY 2021 to participate in FY 2022 or FY 2023.

An e-school was eligible to participate in FY 2021 if it notified the Department by December 31, 2020, and if it (1) was designated for the 2019-2020 school year as an e-school in which a majority of the students were enrolled in a DOPR program, (2) did not have a for-profit operator, and (3) received a rating of "exceeds standards" on the combined graduation component of the most recent report card issued for the e-school.

The act also delays the deadline for the Department to issue its report upon completion of the pilot program to December 31, 2022 (rather than December 31, 2021).

## **V. STEM schools**

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

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

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

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<sup>44</sup> See Section 265.20.

## **STEM Committee membership**

(R.C. 3326.02)

The act permits the Superintendent of Public Instruction, the Chancellor of Higher Education, and the Director of Development to appoint designees to participate in STEM Committee business on their behalf. It also specifies that a designee must be the same person for the time period the designation is effective. The other members of the STEM Committee under continuing law are four members of the public, two of whom are appointed by the Governor, one of whom is appointed by the Speaker of the House, and one of whom is appointed by the Senate President.

## **Grades offered by STEM and STEAM schools**

(R.C. 3326.03)

The act permits a STEM or STEAM school to submit an amended proposal to the STEM Committee in order to offer additional grade levels. Under continuing law, STEM and STEAM schools may offer any of grades kindergarten through 12.

## **STEM and STEAM school designations for JVSDs and ESCs**

(R.C. 3326.03 and 3326.51)

The act eliminates the authority for a joint vocational school district (JVSD) or an educational service center (ESC) to apply for designation as a STEM or STEAM school. However, it permits a school operated by a JVSD that was designated as a STEM or STEAM school prior to September 30, 2021, to maintain that designation if the school continues to comply with all STEM school law and its proposal for designation as a STEM or STEAM school. A JVSD also may elect to apply for a designation as a STEM school equivalent or distinction as a STEM program of excellence.

## **STEM and STEAM school equivalent designations for career-technical education providers**

(R.C. 3326.01 and 3326.032)

Continuing law permits a community school and a chartered nonpublic school to receive a designation of STEM school equivalent. Prior law also permitted a “career center” to receive the designation. A career center was a high school in which a career-technical planning district provided career-technical education services that met state standards. Instead of using the term “career center,” the act specifies that any of the following may receive a STEM school equivalent designation:

1. A school operated by a JVSD;
2. A school offering career-technical educator programs that is operated by a school district participating in a compact career-technical educator provider; or
3. A school offering career-technical education programs that is operated by a comprehensive career-technical educator provider.

The act defines a “compact career-technical education provider” as two or more city, exempted village, or local school districts that are not members of a JVSD and that have entered into a compact under which students enrolled in any of the participating districts may access career-technical education programs provided by a participating district. A “comprehensive career-technical education provider” is defined as a city, exempted village, or local school district that is not a member of a JVSD and that provides a comprehensive career-technical education program to all high schools operated by the district.

## **Proposals for STEM and STEAM schools and equivalents**

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

The act revises the specifications of the proposal for a STEM or STEAM school or equivalent to include evidence that the school will:

1. Exhibit school-wide cultural strategies reflecting innovation, an entrepreneurial spirit, inquiry, and collaboration with individual accountability;
2. Have a curriculum that is problem-based (as well as rigorous, diverse, integrated, and project-based as under continuing law) with the goal to prepare “all students for post-high school learning experiences” (rather than with the goal to prepare students for college as under prior law);
3. Have a curriculum that emphasizes the use of design-thinking as a school-wide approach and provides opportunities for students to engage in personalized learning (rather than emphasizes personalized learning and teamwork skills as under prior law);
4. Participate in regular STEM-focused professional development and share knowledge of best practices (rather than utilize an established capacity to capture and share knowledge for best practices and innovative professional development with the Ohio STEM Learning Network or its successor as under prior law); and
5. In the case of a STEM or STEAM school equivalent, have established partnerships with institutions of higher education and businesses, as well as arts organizations if the proposal is for a STEAM school equivalent (continuing law already requires this for STEM and STEAM schools).

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

## **Distinctions as STEM programs of excellence**

(R.C. 3326.03 and 3326.04)

The act repeals the authority for city, local, and exempted village school districts, community schools, and chartered nonpublic schools to apply for grants to support the operation of STEM programs of excellence. Instead, it specifies that a JVSD, comprehensive career-technical education provider, compact career-technical education provider, or educational service center (ESC) may apply for a distinction as a STEM program of excellence. Additionally, it specifies that nothing prohibits a school operated by a JVSD that was designated



as a STEM or STEAM school prior to September 30, 2021, from electing to apply for distinction as a STEM program of excellence.

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

## **Effective period for designations and distinctions**

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

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

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

## **Renewal of designations and distinctions**

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

The act requires STEM and STEAM schools and equivalents and JVSDs, comprehensive career-technical providers, compact career-technical education providers, and ESCs granted distinctions as STEM programs of excellence to reapply for designation or distinction every five years. The STEM Committee must authorize the continuation of a school's designation or distinction if it finds that the school is in compliance with all laws and its proposal.

## **Revocation of designations and distinctions**

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

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

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

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

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

## **Annual list of written assurances**

(R.C. 3326.23)

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

## **Repeal of miscellaneous provisions**

(R.C. 3326.03, repealed R.C. 3326.05, repealed R.C. 3326.111, and R.C. 3326.14)

The act repeals all of the following:

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

## **VI. College Credit Plus program**

The College Credit Plus (CCP) program allows high school students and 7<sup>th</sup> and 8<sup>th</sup> grade students who are enrolled in public or nonpublic high schools or who are home-instructed to enroll in nonsectarian college courses to receive high school and college credit. Generally, the program governs arrangements in which the student receives transcribed credit from the college. CCP courses may be taken at any state institution of higher education (except the Northeast Ohio Medical University) or any participating private or out-of-state college or university.

Each student may choose to participate under “Option A” (the student is responsible for all costs related to participation) or “Option B” (the state, through the Department of Education, pays the college on the student’s behalf). If participating under “Option B,” the amount of state payments depends upon several factors, including the type of high school and college in which the participant is enrolled, how the participant receives instruction, and whether the high school and college are operating under the default payment structure or an agreement specifying an alternative payment structure. Generally, however, payments on behalf of a public school student are deducted from the state funds computed for that school, and payments for a nonpublic school or a homeschooled student are made out of funds appropriated specifically for that purpose.

All public high schools must participate in the program and any nonpublic high school may participate in the program.

## **Students in state-operated schools**

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

The act permits students enrolled in the State School for the Deaf, the State School for the Blind, or in a school operated by the Department of Youth Services (DYS) to participate in the CCP program in the same manner as students in other public schools. The act does not address where students in the custody of DYS will attend college courses under the program and the transportation or security for those students.

The act requires payments made to institutions of higher education for CCP courses taken by students enrolled at the State School for the Deaf or the State School for the Blind or a school operated by DYS to be deducted from the state operating funds of those schools.

## **Academic eligibility for all students**

(R.C. 3365.03)

Continuing law generally requires a student, as a condition of eligibility for the CCP program, to be “remediation free.” But, prior law prescribed a condition for a student who was not remediation free to participate if the student scored within one standard error of measurement below the remediation-free threshold on a standard assessment and (1) had at least a 3.0 cumulative high school grade point average or (2) received a recommendation from a school counselor, principal, or career-technical program advisor. The act removes this condition and, instead, requires the Chancellor of Higher Education, in consultation with the state Superintendent, to adopt rules to define an alternative remediation-free eligibility option. The act does grandfather in students who qualified under the former condition before September 30, 2021.

## **Nonpublic school participation (VETOED)**

(R.C. 3365.02)

The Governor vetoed a provision that would have prohibited any requirement of the CCP program, and any rule adopted by the Chancellor or the State Board of Education for administering the program, to apply to a nonpublic school that chooses not to participate in the program.

## **Course subject matter disclaimer**

(R.C. 3365.035 and 3365.04)

The act requires the Departments of Education and Higher Education jointly to develop a permission slip regarding the potential for a student to be exposed to mature subject matter in a course taken through the CCP program. Both departments must post the permission slip in a prominent place on their CCP websites. The permission slip also must be included in the counseling information that each public and participating chartered nonpublic school must provide to its students.

The act requires each student desiring to participate in the CCP program, and the student's parent, to sign the permission slip. The permission slip must be included in the student's application to the college or university in which the student wishes to enroll.

When admitting a student under the CCP program, each college or university must include the following in the institution's enrollment materials:

1. A questionnaire for students, developed by the institution, that acknowledges that the student possesses the necessary social and emotional maturity and is ready to accept the responsibility and independence that a college classroom demands that must be resubmitted to the institution;
2. Guidance on reviewing any available course materials prior to enrolling in a course;
3. Information about the institution's and the program's policies on withdrawing from or dropping a course; and
4. Information about the student's right to speak with the student's high school counselor or academic advisor.

Each participating college or university also must include a discussion at student orientation about the potential for mature subject matter in courses taken through the program.

Finally, both departments and each participating college or university must post the following disclaimer in a prominent place on their CCP program websites:

The subject matter of a course enrolled in under the College Credit Plus program may include mature subject matter or materials, including those of a graphic, explicit, violent, or sexual nature, that will not be modified based upon College Credit Plus enrollee participation regardless of where course instruction occurs.

## **Cost-effectiveness study**

(Section 265.530)

The act requires the Department of Education, in consultation with the Department of Higher Education, to study the results and cost-effectiveness of the CCP program and submit a report of its findings to the Governor, Speaker of the House, Senate President, and Director of the Legislative Service Commission by January 1, 2023. The study must include the cost-effectiveness of the program for secondary schools and participants and whether participants save money on college tuition and reduce the amount of time to degree completion.

## **VII. State scholarship and educational savings programs**

### **Scholarship amounts**

In addition to directly funding state scholarships as part of the changes to the school funding formula (see "**I. School finance**" above), the act revises the scholarship amounts for the Educational Choice (Ed Choice) Scholarship Program, the Pilot Project (Cleveland)

Scholarship Program, the Autism Scholarship Program, and the Jon Peterson Special Needs Scholarship Program.

### **Maximum amounts for Ed Choice and Cleveland programs**

(R.C. 3317.022(A)(10) and (11))

The act increases the maximum amount for a student under an Ed Choice or Cleveland Scholarship. Specifically, for a student enrolled in any of grades K-8, the act increases the maximum scholarship amount to \$5,500, from \$4,650 under prior law. For a student enrolled in any of grades 9-12, it increases the maximum scholarship amount to \$7,500, from \$6,000 under prior law. The act further requires those scholarship amounts to increase in future fiscal years by the same percentage as the average base cost per pupil increases in those years.

The act maintains the requirement that a student must receive the lesser of either the base tuition of the student's chartered nonpublic school, minus certain tuition discounts, or the maximum scholarship amount.

### **Autism scholarship maximum amount**

(R.C. 3317.022(A)(12))

The act increases the maximum scholarship amount a student may receive under the Autism Scholarship to \$31,500 for FY 2022 and \$32,445 for FY 2023 and each fiscal year thereafter. Under prior law, the maximum amount was \$27,000.<sup>45</sup>

The act maintains the requirement that a student's scholarship amount must equal the lesser of (1) the tuition charged by the student's special education program or (2) the maximum scholarship amount.

### **Jon Peterson Special Needs scholarship amount**

(R.C. 3317.022(A)(13))

The act changes how the amount of a Jon Peterson Special Needs scholarship is calculated, as shown in the table below.

Scholarship Amount	
The act	Prior law
<p>Lesser of:</p> <ol style="list-style-type: none"> <li>1. The amount charged by the student's alternative provider;</li> <li>2. The sum of \$6,217 for FY 2022, or \$6,414 for FY 2023, plus a specified</li> </ol>	<p>Lesser of:</p> <ol style="list-style-type: none"> <li>1. The amount charged by the student's alternative provider;</li> <li>2. The sum of the "formula amount" under prior law (\$6,020),<sup>47</sup> plus a specified</li> </ol>

<sup>45</sup> See R.C. 3310.41.

Scholarship Amount	
The act	Prior law
amount for the student's category of disability (see below); or 3. \$27,000. <sup>46</sup>	amount for the student's category of disability (see below); or 3. \$27,000. <sup>48</sup>
Amounts for Disability Categories	
The act	Prior law
The specified amounts for each category of disability are:	The specified amounts for each category of disability were:
Category 1. (Speech and language disability) \$1,514 for FY 2022, and \$1,562 for FY 2023;	Category 1. (same disabilities) \$1,578;
Category 2. (Specific learning disability, developmental disability, other health impairment-minor, or preschool child who is developmentally delayed) \$3,841 for FY 2022, and \$3,963 for FY 2023;	Category 2. (same disabilities) \$4,005;
Category 3. (Hearing disability or severe behavior disability) \$9,465 for FY 2022, and \$9,522 for FY 2023;	Category 3. (same disabilities) \$9,622;
Category 4. (Vision impairment or other health impairment – major) \$12,644 for FY 2022, and \$12,707 for FY 2023;	Category 4. (same disabilities) \$12,841;
Category 5. (Orthopedic disability or multiple disabilities) \$17,193 for FY 2022, and \$17,209 for FY 2023; and	Category 5 (same disabilities) \$17,390; and
Category 6. (Autism, traumatic brain injury, or both visual and hearing impairment) \$24,591 for FY 2022, and \$25,370 for FY 2023. <sup>49</sup>	Category 6. (same disabilities) \$25,637. <sup>50</sup>

<sup>47</sup> R.C. 3317.02(F) under prior law and Section 265.215(E) of H.B. 166 of the 133<sup>rd</sup> General Assembly.

<sup>46</sup> R.C. 3317.022(A)(13).

<sup>48</sup> Repealed R.C. 3310.56.

<sup>49</sup> R.C. 3317.022(A)(13)(a)(ii).

The act also requires that the specified base amount, \$6,414, for FY 2023, must increase in future fiscal years by the same percentage as the average base cost per pupil increases in those years. In addition, the dollar amount assigned to the child's category of disability also must increase by the same percentage that amounts calculated by the General Assembly for those categories of special education services increase for future fiscal years. (The act's new school funding model assigns a "multiple" to each of those same six categories that it then multiplied by the statewide average base cost per pupil.)

## **Performance-based Ed Choice scholarship eligibility**

### **Performance index score criteria**

(R.C. 3310.03)

The act changes the performance index score eligibility criteria for performance-based Ed Choice scholarships in a few ways. Under continuing law, a student qualifies for a first-time scholarship under that criteria by satisfying two conditions:

1. The student must be enrolled in, or in some cases would be assigned to, a school building operated by the student's resident school district that ranked in the lowest 20% of district buildings statewide according to a performance index score (excluding buildings operated by the Cleveland Municipal School District) for a prescribed number of years.

2. The student's resident district must have an average of 20% or more of its school aged residents, for the three consecutive years prior to the school year for which a scholarship is sought, qualify to be included in the formula to distribute federal Title I funds

The act changes the performance index score rankings used to determine whether a student satisfies the first of those conditions, as follows:

1. For a scholarship for the 2023-2024 school year, a building must be ranked in the lowest 20% for the 2018-2019 and 2021-2022 school years (rather than the 2020-2021 and 2021-2022 school years as under prior law); and

2. For a scholarship for the 2024-2025 school year, a building must be ranked in the lowest 20% for the 2021-2022 and 2022-2023 school years (rather than for at least two of the three most recent school years as under prior law).

The act maintains continuing law for scholarships for the 2025-2026 school year and thereafter, which requires that a building is ranked in the lowest 20% for at least two of the three most recent school years.

Finally, the act qualifies high school students (including entering 9<sup>th</sup> graders) who meet the criteria described above if, in the school year prior to the year for which a scholarship is sought, the student was enrolled in a public or nonpublic school, or was homeschooled, and completed any of grades eight through eleven. Otherwise, to qualify for a performance-based

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<sup>50</sup> Repealed R.C. 3310.56 and R.C. 3317.013 under prior law.

scholarship under continuing law, a student generally must be enrolled in a building operated by the student's resident district or a community school. However, that requirement also is being phased out under the act (see below).

### **Phase-out of public school enrollment requirement**

(R.C. 3310.03)

The act expands eligibility for performance-based Ed Choice scholarships by phasing out the requirement that, to qualify for a performance-based scholarship, a student generally must be enrolled in either a building operated by the student's resident district or a community school. The act exempts students seeking scholarships for a particular school year, as follows:

School year for which a scholarship is sought	Grades exempt from public school enrollment requirement
2021-2022	K-2
2022-2023	K-4
2023-2024	K-6
2024-2025	K-8
2025-2026 and after	K-12

### **Former Autism or Jon Peterson scholarship recipient**

(R.C. 3310.034)

The act qualifies for a performance-based Ed Choice scholarship a student who received an Autism scholarship or a Jon Peterson Special Needs scholarship, but who is no longer in need of special education services and, therefore, is no longer eligible for either of those scholarships. Under the act, such a student is eligible for a performance-based scholarship regardless of whether the student is enrolled in an Ed Choice designated building. Moreover, the student remains eligible to renew that scholarship until the student completes grade 12 so long as the student meets the state testing and attendance criteria for all other Ed Choice scholarship recipients under continuing law.

### **Siblings, foster families, and children placed with guardians, custodians, or kinship caregivers**

(R.C. 3310.033)

The act qualifies a student for a performance-based Ed Choice scholarship, regardless of whether that student is enrolled in an Ed Choice designated building, if that student satisfies any of the following conditions:



1. The student's "sibling" received a performance-based scholarship in the school year immediately prior to the year for which a scholarship is sought;
2. The student is placed with a foster caregiver;
3. The student is a child placed with a guardian, legal custodian, or kinship caregiver;
4. The student is not a child placed with a guardian, legal custodian, or kinship caregiver, but has resided in the same household as such a child for at least 45 consecutive days within the last calendar year;
5. The student is not placed with a foster caregiver, but resides in a certified foster home;
6. The student:
  - a. Is not a child placed with a foster caregiver, guardian, legal custodian, or kinship caregiver;
  - b. Has a parent or guardian who resides in Ohio; and
  - c. Resides in the household of an individual who is not the student's parent or guardian for at least 45 consecutive days within the last calendar year and, if not for residing in that household, would have been homeless.
7. The student is not a child at risk of homelessness (as described above), but resides in the same household as such a child for at least 45 consecutive days within the last calendar year.

This provision does not apply to students who reside in the Cleveland Municipal School District.

The act permits the Department to request that any individual applying for a scholarship under the provision provide appropriate documentation, as defined by the Department, that the student meets the prescribed eligibility qualifications. For a student at risk of homelessness (as described above), the documentation must be provided by the student's parent, guardian, or caretaker.

For the provision's purposes, a "sibling" is:

1. A brother, half-brother, sister, or half-sister by birth, marriage, or adoption;
  2. A cousin by birth, marriage, or adoption residing in the same household;
  3. A foster child residing in the same household, including a child who is subsequently adopted by the child's foster family;
  4. A child residing in the same household who is placed with a guardian or legal custodian;
  5. A child residing in the same household who is being cared for by a kinship caregiver;
- or

6. Any other child under 18 years old who has resided in the same household for at least 45 consecutive days within the last calendar year.

The act specifies that a student who qualifies under this provision remains eligible to renew that scholarship until the student completes grade 12 so long as the student meets the state testing and attendance criteria for all other Ed Choice scholarship recipients under continuing law.

### **Limit on number of performance-based scholarships – eliminated**

(R.C. 3310.02; conforming change in R.C. 5703.21)

The act eliminates the restriction on the number of performance-based Ed Choice scholarships that the Department may award each school year.

Prior law restricted the number of performance-based scholarships for a school year to 60,000, unless the number of applicants for a school year exceeded 90% of the maximum number. In that event, the Department was required to increase the maximum number for the next year by 5%. That new maximum number then would serve as the limit on scholarships until another, similar adjustment upward was triggered.

### **Maintain eligibility even if building IRN changes**

(R.C. 3310.036)

The act specifies that a student who is eligible for a performance-based Ed Choice scholarship as of February 1 prior to the year for which a scholarship is sought remains eligible for a scholarship even if, after that date, the Department changes the internal retrieval number (IRN) of the school building in which the student is enrolled or would otherwise be assigned.

### **Ed Choice eligibility for 2021-2022**

(Sections 733.70 and 812.23)

Effective June 30, 2021, the act qualifies for an Ed Choice scholarship for the 2021-2022 school year any student who satisfies one of the following conditions:

1. The student was homeschooled during the 2020-2021 school year, regardless of whether that student was enrolled in a public or nonpublic school in any prior year, and, during the 2021-2022 school year, is or would be assigned to a school building that was Ed Choice designated in the 2019-2020 school year;

2. The student was new to Ohio during the 2020-2021 school year and, for the 2021-2022 school year, is or would be assigned to a building that was Ed Choice designated in the 2019-2020 school year;

3. The student is enrolling in kindergarten for the 2021-2022 school year and would be assigned to a building that was Ed Choice designated in the 2019-2020 school year;

4. The student was enrolled in a public or nonpublic school, or homeschooled, during the 2020-2021 school year and both:

a. Was or would have been assigned to a building during the 2019-2020 school year that was Ed Choice designated in that year; and

b. Subsequently relocated and, during the 2020-2021 school year, was or would have been assigned to a building that was Ed Choice designated in that year.

5. The student was enrolled in a nonpublic school for 8<sup>th</sup> grade during the 2020-2021 school year and, for 9<sup>th</sup> grade during the 2021-2022 school year, is enrolled in or would otherwise be assigned to a building that was Ed Choice designated in the 2019-2020 or the 2021-2022 school year;

6. The student is the sibling of any other student determined to be eligible under the conditions described above or who received a scholarship during the 2020-2021 school year.

The act requires the Department to develop eligibility guidance consistent with this provision, post it on the Department's website in a prominent, easy-to-find location, and provide it to every nonpublic school that accepts Ed Choice scholarships by July 15, 2021. By that date, the Department also must begin accepting and processing applications for the 2021-2022 school year for students eligible under the provision. The act specifies that, for complete applications submitted by August 1, 2021, the Department must provide notice of award or denial by September 15, 2021.

The act authorizes the Department to request that applicants provide appropriate documentation, as defined by the Department, that students meet the eligibility qualifications prescribed under the provision.

Finally, the act prohibits the Department, for the 2021-2022 school year only, from prorating any Ed Choice scholarships based on a completed application submitted to the Department by October 31, 2021.

## **Ed Choice operations**

### **Monthly partial payments**

(R.C. 3317.022(E))

The act requires the Department of Education to make monthly partial payments for Ed Choice scholarships, rather than periodic partial payments as under prior law.<sup>51</sup>

### **Application period**

(R.C. 3310.16)

The act prescribes a single application period for Ed Choice scholarships that must open on February 1 prior to the school year for which a scholarship is sought. The Department must, within 45 days of receiving a completed application, determine whether an applicant is eligible and notify the applicant. Finally, the Department must award a scholarship to each approved

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<sup>51</sup> See repealed R.C. 3310.08(C)(1).

applicant. The act does not prescribe an end date to the application period. However, except for an application for the 2021-2022 school year received by October 31, 2021, it states an applicant who submits an application after the start of the school year must receive a prorated scholarship amount based on how much of the school year remains.

Prior law prescribed a “priority application period” opening on February 1 and running for at least 75 days. Prior law also specifically stated that the Department had to continue to award scholarships after the priority period closed but to prorate those awarded after the start of the school year.

### **System to determine performance-based scholarship eligibility**

(R.C. 3310.07)

The act requires the Department, by February 1, 2022, to establish a system under which an Ed Choice applicant may provide the Department with a student’s address and, within ten days via regular or electronic mail, receive notice whether the student is eligible for a performance-based Ed Choice scholarship. The act prohibits the student’s resident district from objecting to a student’s scholarship eligibility if the Department’s system determines the student is eligible.

To implement this provision, each school district that has an Ed Choice designated school building must, by January 1 of each year, submit to the Department, in the manner prescribed by the Department, the attendance zone for students assigned to that building.

### **Conditional approval scholarships (PARTIALLY VETOED)**

(R.C. 3310.16)

The act requires the Department, in each school year, to accept scholarship applications for conditional approval for that year or the next school year. Within five days of receiving such an application, the Department must grant conditional approval to a student who is eligible for a scholarship and notify the applicant whether or not the approval is granted.

The Governor vetoed a provision that would have required the Department to award a scholarship to a student with an application that has been conditionally approved if the student:

1. Enrolled in a chartered nonpublic school that accepts Ed Choice scholarships within one year of receiving approval; and
2. Did not change addresses after receiving approval and prior to enrolling in that chartered nonpublic school.

### **Miscellaneous application changes**

(R.C. 3310.16)

The act requires the Department, if it determines an Ed Choice scholarship application contains an error or deficiency, to notify the applicant within 14 days of the application’s submission. It also prohibits a school district from having access to any Ed Choice scholarship application.

Finally, the act requires the Departments of Education, Job and Family Services, and Taxation to enter into a data sharing agreement so that the Department of Education may determine, based on the address provided in an application, whether a student (1) is eligible for a performance-based scholarship or (2) meets the residency requirement for an income-based Ed Choice scholarship (that is, the student is not a Cleveland Municipal School District resident).

## **Autism Scholarship Program providers**

(R.C. 3310.41 and 3310.411)

The act expressly subjects registered private providers approved for the Autism Scholarship Program and their employees to criminal records check requirements prescribed under continuing law. It further requires a registered private provider to submit the results of criminal records checks to the Department of Education.

The Department must use the records checks to enroll individuals employed by registered private providers in the Retained Applicant Fingerprint Database (“rapback”) in the same manner as licensed educators.

Additionally, the act adds a “registered behavior technician”<sup>52</sup> and “certified Ohio behavior analyst”<sup>53</sup> to the list of qualified, credentialed providers that may offer intervention services under the program.

## **Cleveland Scholarship Program**

### **Application period**

(R.C. 3313.978)

The act eliminates the two application periods that had been prescribed for the Cleveland Scholarship Program and, instead, prescribes a single application period similar to the one prescribed for the Ed Choice Scholarship Program (see above). The Department must open that application period on February 1 prior to the school year for which a scholarship is sought. Within 45 days of receiving a completed application, the Department must determine whether an applicant is eligible and notify the applicant. Finally, the Department must award a scholarship to each approved applicant. However, the act provides that an applicant who submitted an application after the start of the school year must receive a prorated scholarship amount based on how much of the school year remains.

Under prior law, the first application period opened on February 1 and ran for at least 75 days, and the second application period opened not sooner than July 1 and ran for at least 30 days.

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<sup>52</sup> O.A.C. 5123-9-41.

<sup>53</sup> R.C. Chapter 4783, not in the act.

## **Participating nonpublic schools**

(R.C. 3313.976)

The act expands the number of chartered nonpublic schools that may register to participate in the Cleveland Scholarship Program. Specifically, the act permits a chartered nonpublic school to register if it offers any of grades K-12 and is located in a school district that is located within five miles of Cleveland and in a municipality of at least 15,000. Under prior law, chartered nonpublic schools located in such neighboring municipalities could participate only if they offered any of grades 9-12. Continuing law permits any chartered nonpublic school to participate if it offers any of grades K-12 and is located in the Cleveland Municipal School District.

## **Background on scholarship programs**

The 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 school buildings that have persistently low academic achievement (known as “traditional” or “performance-based” Ed Choice) or (2) are from low-income families (known as “income-based” Ed Choice Expansion). Students may use their scholarships to enroll in participating chartered nonpublic schools.

The Pilot Project (Cleveland) Scholarship Program allows students who are residents of the Cleveland Municipal School District to obtain scholarships to attend participating nonpublic schools or public schools in adjacent districts.

The Autism Scholarship Program provides scholarships to autistic students in any of grades pre-K-12 whose parents choose to enroll the student in an approved special education program other than the one offered by the student’s school district.

The Jon Peterson Special Needs Scholarship Program is similar to the Autism Scholarship Program except that it is available to students with any category of disability in grades K-12. It is not available to pre-K students.

## **ACE Educational Savings Account Program**

(R.C. 3310.70; Sections 265.355 and 733.60)

### **Purpose**

The act establishes the Afterschool Child Enrichment (ACE) Educational Savings Account Program to provide eligible students, upon the request of their parents or guardians, with educational savings accounts. As enacted, the program is financed with federal coronavirus relief funds. Each account established for a student may be credited with \$500 for each of FY 2022 or FY 2023. The act qualifies a student for an account if (1) the student is at least 6 years old and under 18 years old, (2) the student’s family income is at or below 300% of the federal poverty level, and (3) the student is enrolled in a public or nonpublic school or is being homeschooled. The parent or guardian of an eligible student may use funds in the account for any of the following purposes, whether secular or nonsecular:

1. Before- or after-school educational programs;

2. Day camps, including camps for academics, music, and arts;
3. Tuition at learning extension centers;
4. Tuition for learning pods;
5. If the student is homeschooled, purchase of curriculum and materials;
6. Educational, learning, or study skills services;
7. Field trips to historical landmarks, museums, science centers, and theaters, including admission, exhibit, and program fees;
8. Language classes;
9. Instrument lessons; or
10. Tutoring.

However, the act prohibits using the funds to purchase electronic devices.

The Department must make available to parents and guardians a list of the purposes for which funds in an account may be spent.

## **Operation**

The act requires the Department, by October 30, 2021, to adopt emergency rules to prescribe procedures for the establishment of ACE educational savings accounts for FY 2022 and FY 2023. By January 28, 2022, the Department must create an online form for parents and guardians to request an account's establishment. If a parent or guardian requests an account for FY 2022 or FY 2023, \$500 must be credited to that account within 14 days of the request and the amount must be disbursed by June 30 of that fiscal year. Accounts must be established on a first-come, first-served basis according to the availability of appropriated funds.

Under the act, the Department must contract with a vendor to administer the program. The Department also may contract with the Treasurer of State for technical assistance. In selecting a vendor, the Department must give preference to vendors that use a smart phone application that is free for parents and guardians, is capable of scanning receipts, allows users to provide program feedback, and includes customer service contact information for users who experience technical issues. For FY 2022 or FY 2023, the Department is prohibited from paying the vendor more than 3% of the amount appropriated for the program for that fiscal year.

The selected vendor must monitor how accounts are used and recoup funds that are used for unauthorized purposes, as determined by the vendor. It also requires the vendor to provide the Department with a comprehensive list of purchases made with accounts. The act prohibits the vendor from authorizing parents or guardians to use funds for unauthorized purposes. If the vendor authorizes parents or guardians to use funds for specified purposes and later determines the purpose is not authorized, the vendor may recoup those funds.

## **Report**

The act requires the Department, by December 31, 2022, to submit to the General Assembly a report regarding the ACE Educational Savings Account Program, including feedback from a random sampling of participating parents or guardians.

## **VIII. Other**

### **Student transportation – pick up and drop off times**

(R.C. 3327.01)

The act requires school districts, educational service centers, and private school transportation contractors to “deliver” students enrolled in grades preschool through 12 to their respective public and nonpublic schools no sooner than 30 minutes prior to the beginning of school and to be available to pick them up no later than 30 minutes after the close of the day.

Under continuing law, a city, exempted village, or local school district must provide transportation for students in grades K-8 who live more than two miles from school, whether they attend district schools; public community or STEM schools; or chartered nonpublic schools. There are exceptions, however, such as when transportation to a community or STEM school or chartered nonpublic school exceeds 30 minutes, or when the district board determines transportation to be impractical and offers to pay a parent instead. Also, there are mechanisms for community schools to take over the responsibility to transport their students.

### **Community and nonpublic school student transportation**

#### **Transportation plans**

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

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

A school district must use those start and end times to develop a transportation plan for community and chartered nonpublic school students whom the district is required to transport within 60 days after receiving the information from those schools. If a community or chartered nonpublic school provides those times after April 1 but before July 1, the district must attempt to provide a transportation plan to the school by August 1 of that school year. For any student who enrolls in a community or chartered nonpublic school after July 1, the district must develop a transportation plan within 14 business days after receiving a request for transportation services from the student’s parent or guardian.

#### **Limits on use of mass transit systems**

(R.C. 3327.017)

The act limits a school district’s use of vehicles operated by mass transit systems to transport community and chartered nonpublic school students. First, it prohibits a school



district from transporting such students enrolled in grades K-8, unless the district enters into an agreement with the students' community or chartered nonpublic school authorizing that transportation. The act expressly requires both the district and school to approve the agreement in order for it to be effective.

Second, for such students enrolled in grades 9-12, the act specifies that, if a school district elects to transport them using vehicles operated by a mass transit system, the district must ensure that a student's route does not require more than one transfer.

### **Transportation when schools are open for instruction**

(R.C. 3327.01)

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

### **Deadline for community schools to accept transportation responsibility**

(R.C. 3314.091)

Under continuing law, a school district and community school may enter into a bilateral agreement under which the community school will transport its students. Or, a community school may take over the transportation responsibility unilaterally without entering into an agreement with the students' resident school district by notifying the district that it will be providing or arranging its students' transportation. The act adjusts the deadline for that notice at August 1 of the school year for which the community school will be providing or arranging transportation, rather than January 1 of the previous school year as under prior law.

### **Deduction for district noncompliance with transportation law**

(R.C. 3327.021)

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

Specifically, the act requires the Department to monitor each district's compliance with:

1. Its general obligations under the law to transport students, including the new obligation under the act "deliver" students no sooner than 30 minutes prior to the beginning of school and to be available to pick them up no later than 30 minutes after the close of the day;
2. Its new obligation under the act to generally transport community school and chartered nonpublic school students on days that those schools are open (see above);

3. Its new obligation under the act regarding transportation plans for community schools and chartered nonpublic schools (see above); and

4. The act's new prohibition against transporting community school and chartered nonpublic school students in grades K-8 using mass transit, unless the district has an agreement to do so with the students' school (see above).

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

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

## **Payment in lieu of transportation**

(R.C. 3327.02; Section 265.150)

Under continuing law, a school district, or a community school that has accepted responsibility to provide transportation, may offer a parent payment instead of transportation, if it determines that transporting a particular student is impractical. Statutory law prescribes the following factors that districts and schools must consider in making that determination on a student-by-student basis:

1. Time and distance involved in the transport;
2. Number of students to be transported;
3. Cost of equipment, maintenance, personnel, and administration;
4. Whether similar or equivalent service is provided to other students;
5. Whether and to what extent the additional service unavoidably disrupts current transportation schedules; and
6. Whether other reimbursable types of transportation are available.

## **Procedures**

The act requires a district or school to make a determination regarding whether to provide payment in lieu of transportation for a student not later than 30 calendar days prior to the district's or school's first day of instruction. For students who enroll within that 30-day period or after the first day of instruction, the district or school must make the determination within 14 calendar days after a student's enrollment. The act also authorizes a district superintendent to make that determination, but requires that it be formalized at the next meeting of the school district board of education or community school governing authority. Additionally, the district or school must issue to a student's parent or guardian, the student's nonpublic or community school, and the State Board a letter with a detailed description of the reasons why the payment in lieu determination was made.

In the case of a community or nonpublic school student eligible for district transportation, the act permits the student's parent, guardian, or custodian, at any time after requesting transportation for that student, to authorize the community or chartered nonpublic school to act on the student's behalf for purposes of determining payment in lieu of transportation and any related mediation proceedings.

## **Payment**

Prior law, required the annual amount of a payment in lieu of transportation to be at least as high as the amount determined by the General Assembly as the minimum for each school year, and not more than the amount determined by the Department as the average cost of pupil transportation for the previous school year.

Under the act, the annual payment in lieu amount must not be less than 50% but not more than the average cost of pupil transportation for the previous school year, as determined by the Department. Continuing law permits the payment to be prorated if the time period involved is only a part of a school year.

The act specifies that, if the Department must order a district or school to compensate a student's parent, guardian, or custodian, the amount of that payment must be equal to 50% of the cost of providing transportation, as determined by the district board or school governing authority, but must not be more than \$2,500.

## **Transportation contracts**

(R.C. 3327.018)

The act expressly authorizes a school district to contract, in writing, with a public or private not-for-profit agency, group, or organization, with a municipal corporation or other political subdivision or agency of the state, or with an agency of the federal government to assist the agency, group, organization, or political subdivision in the fulfillment of its legitimate activities and in times of emergency, subject to the following conditions:

- Contracts must be entered into under the authority of the school district as a political subdivision;
- Contracts are not considered commerce;
- Buses must be operated by individuals holding certificates issued by either the ESC governing board that has entered into an agreement with the district or the district's superintendent that certify that the individuals satisfy specified requirements for bus drivers;
- All State Board of Education regulations governing the operation of school buses when transporting students apply when buses are used under this provision;
- Any district that makes one or more of its vehicles available under this provision must procure liability and property damage insurance covering all vehicle used and passengers transported; and

- The district board of education may recover expenses from contracting entities, not to exceed the costs of operation and insurance coverage.

## **Online school bus driver training program**

(R.C. 3327.101)

The act requires the Department to develop a permanent online bus driver training program to satisfy the classroom portion of pre-service and annual in-service training for school bus driver certification. Drivers must continue completing on-the-bus training in person.

## **Withdrawal of certain students for failure to take assessments**

(R.C. 3313.6412 and 3314.262)

Beginning with the 2020-2021 school year, the act creates a new starting point for withdrawal determinations made by internet- or computer-based community schools (e-schools) and district-operated internet- or computer-based schools) upon a student's failure to complete the spring administration of any required state assessment for two consecutive school years.

Under continuing law, such schools are required to automatically withdraw any student who has not participated in the spring administration of any required state assessment for two consecutive years and who was not otherwise excused from taking that assessment. A school may not receive any state funds for any student who is subject to automatic withdrawal under this provision but may permit the student to continue to attend the school's program only if the student's parent pays tuition.<sup>54</sup>

## **Online learning**

(R.C. 3301.079, 3302.41, and 3302.42)

The act permits school districts, with the approval of the Superintendent of Public Instruction, to operate a school using an online learning model. The act defines "online learning" as a model in which students work primarily from their residences on assignments delivered via an internet- or other computer-based instructional method.

Under the act, the district superintendent must notify the Department, by July 1 of the school year for which the change is effective, that a school in the district is operated or is ceasing to operate using an online learning model. If any school district is using an online learning model on September 30, 2021, the district superintendent must notify the Department by November 29, 2021, of that fact and request that the school be classified as an online learning school.

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<sup>54</sup> R.C. 3313.6410 and 3314.26, neither in the act. Section 17(A)(4) of H.B. 197 of the 133<sup>rd</sup> General Assembly prohibited these schools from withdrawing students who were unable to complete assessments for the 2019-2020 school year.

## **District requirements to operate online learning**

Districts that operate a school using an online learning model must:

1. Assign all students engaged in online learning to a single school;
2. Provide all students engaged in online learning a computer, at no cost, for instructional use. Districts also must provide a filtering device or install filtering software that protects against internet access to materials that are obscene or harmful to juveniles on each computer provided to students for instructional use;
3. Provide all students engaged in online learning access to the internet, at no cost, for instructional use;
4. Provide a comprehensive orientation for students and their parent or guardian prior to enrollment or by October 30, 2021, for students enrolled as of September 30, 2021; and
5. Implement a learning management system that tracks the time students participate in online learning activities. The act specifies that all student learning activities completed while off-line must be documented with all participation records checked and approved by the teacher of record.

## **State Board standards for online learning**

The act requires the State Board to revise operating standards for school districts to include standards for the operation of online learning models to provide for:

1. Student-to-teacher ratios of not greater than one teacher for every 125 students in online learning classrooms;
2. The ability of all students, at any grade level, to earn credits or advance grade levels upon demonstrating mastery of knowledge or skills through competency-based learning models. The act also prohibits that credits or grade level advancement be based on a minimum number of days or hours in a classroom;
3. Requirement that online schools operated by a school district to have an annual calendar of not less than 910 hours;
4. Requirement that Department to review and adjust state funding payments to districts based upon student participation in online learning; and
5. Adequate provisions for: the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment; the proper organization, administration, and supervision of each school; admission of pupils; requirements for graduation; and other factors the State Board finds necessary.

## **Blended learning – minimum school year**

The act requires that districts and schools using a blended learning model operate an annual calendar of at least 910 hours. Prior law stated only that schools operating on a blended learning model were exempt from minimum school year and school day requirements. (The

minimum school year for school districts is 1,001 hours for students in grades 7-12 and 910 hours for students in grades 1-6.)<sup>55</sup>

### **Other changes regarding blended and online learning**

The act modifies the definition of “blended learning” by specifying that the delivery of instruction “primarily” should be in a supervised physical location away from home. The definition previously required only that the delivery of instruction be a combination of time in a supervised physical location away from home and online delivery.

It also requires the Department to include information on the use of online learning (in addition to blended and digital learning as under continuing law) in the delivery of standards or curricula to students, whenever the State Board adopts standards or model curricula.

### **FAFSA data system**

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

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

### **Computer science education**

#### **State plan for computer science education**

(R.C. 3301.23)

#### **Committee to develop plan**

The act requires the Department, in consultation with the Chancellor of Higher Education, to establish a committee to develop a state plan for primary and secondary computer science education. The committee must be established by October 30, 2021. It must consist of:

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

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<sup>55</sup> R.C. 3313.48.

- c. Institutions of higher education;
- d. Businesses; and
- e. State and national computer science organizations.

The act requires the committee to complete the state plan by September 30, 2022. The Department must post the completed state plan in a prominent location on its website.

### **Topics to consider**

In developing the state plan, the committee must consider:

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

### **Plan contents**

The state plan must include:

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

## **State Board's standards and curriculum**

(R.C. 3301.079)

The act requires the State Board to update its standards and curriculum for computer science education by September 30, 2022.

## **Effects of vaping – school district health curriculum**

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

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

## **Venereal disease instruction**

(R.C. 3313.6011)

The act requires a school district or school to notify all parents and guardians if it chooses to offer additional instruction in venereal disease or sexual education not specified under continuing law. Specifically, the notification must include the name of any instructors, vendor name if there is one, and the name of the curriculum being used.

The act also prohibits a district or school from offering the additional instruction to a student unless a parent or guardian has submitted written permission for that student to receive it.

Moreover, the district or school must provide any instructional materials associated with venereal disease or sexual education to a parent or guardian upon request.

Additionally, the Department must:

1. Conduct an annual audit at the beginning of each school year of school districts to ensure compliance with requirements regarding venereal disease instruction;
2. Publish the findings of the audits not later than 120 days after the start of each school year; and
3. Prominently post the results of the audits on the Department's website.

For a description of the curriculum requirements for venereal disease education under continuing law, see p. 186 of LSC's analysis of H.B. 110, As Passed by the Senate, available at <https://www.legislature.ohio.gov/download?key=17057&format=pdf>.

## **Victim counseling**

(R.C. 3319.47)

The act permits public and chartered nonpublic schools to provide counseling to victims of sexual harassment or sexually related conduct.



## **Academic distress commissions**

### **Moratorium**

(Section 265.520)

The act prohibits the state Superintendent from establishing any new academic distress commissions (ADCs) for the 2021-2022 and 2022-2023 school years. Otherwise, under continuing law, the state Superintendent must establish an ADC for certain school districts with persistently low academic performance to guide actions to improve their performance. That law requires each ADC to appoint a chief executive officer (CEO) who has substantial powers to manage the operation of a qualifying district and prescribes progressive consequences for the district, including possible changes to collective bargaining agreements and eventual mayoral appointment of the district board.<sup>56</sup>

For a detailed description of duties and powers of an ADC and the CEO, unchanged by the act, see pp. 10-23 of LSC's Final Analysis of H.B. 70 of the 131<sup>st</sup> General Assembly, available at <https://www.legislature.ohio.gov/download?key=2653&format=pdf>.

The performance measures for triggering an ADC and transitioning out of oversight by an ADC were recently changed as part of revision to the state report card law in H.B. 82 of the 134<sup>th</sup> General Assembly, effective September 30, 2021.<sup>57</sup> See pp. 18-19 of LSC's Final Analysis for H.B. 82, available at <https://www.legislature.ohio.gov/download?key=17325&format=pdf>.

### **Improvement plans; early transitioning out of ADC oversight**

(R.C. 3302.103; Section 812.20)

The act establishes a process by which school districts currently subject to an ADC may be relieved from the oversight of its ADC prior to meeting the conditions for transitioning out of the oversight of an ADC. Those districts are Youngstown, Lorain, and East Cleveland.

This process does not affect, nor is it affected by, the act's moratorium on the establishment of new ADCs.

### **District academic improvement plan development and approval**

Under the act, the board of education of a school district currently subject to an ADC, in consultation with the appropriate stakeholders and the district's ADC and CEO, must develop and submit a three-year academic improvement plan to the state Superintendent. That plan must be submitted by September 30, 2021, and must include annual and overall academic improvement benchmarks and strategies for achieving those benchmarks.

Within 30 days after receiving the improvement plan, the state Superintendent must review it and either suggest modifications or approve it. If the state Superintendent suggests modifications, the district board must revise the plan and resubmit it for approval within

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<sup>56</sup> R.C. 3302.10, not in the act.

<sup>57</sup> R.C. 3302.10, as amended by H.B. 82 of the 134<sup>th</sup> General Assembly.

15 days after receiving the suggestions. Not later than 30 days after the modified plan is resubmitted, the state Superintendent must approve it.

Upon approval by the state Superintendent, the district board may begin to prepare to implement the plan, which is in effect from July 1, 2022, to June 30, 2025. The district's ADC and CEO must work with the district in preparing to implement the plan.

Additionally, the district board may submit a request to the state Superintendent to modify the plan while it is being implemented, but no modifications can be made without the state Superintendent's approval.

### **Plan implementation**

While the district is implementing the plan, the district board reassumes all power granted to it under statutory law. Additionally, the district's ADC continues to exist and provide assistance to the district, but has no operational or managerial control of the district. The CEO is removed from the position, and the district is not subject to the ADC for the duration of the academic improvement plan. Finally, the district board must provide annual reports to the State Board of Education on the district's progress toward achieving the academic benchmarks in the plan.

At the end of three school years under the improvement plan, the State Board must evaluate the district's performance. If the district improves but does not meet at least a majority of the academic improvement benchmarks, the district board may apply to the state Superintendent for a one-school-year extension to continue implementing the plan. If the district does not meet at least a majority of the established benchmarks at the end of the extension, the district board again may apply for another one-school-year extension. The act prohibits more than two extensions.

If the district either (1) does not meet at least a majority of the academic improvement benchmarks at the end of five school years under the improvement plan or (2) if the district's application for an extension is not approved by the state Superintendent, the district once again becomes subject to continuing ADC statutory law.

However, if the district meets at least a majority of the academic improvement benchmarks at the end of the initial evaluation or after an extension granted by the State Board, the ADC is dissolved, and the district continues exercising all powers granted under statutory law.

### **Former CEO as district superintendent**

The act permits the district board to employ the former CEO as the district superintendent. If the district enters into a contract with that individual for the district superintendent position, the Department must provide compensation to the individual under the terms of the former CEO contract while the district is implementing its improvement plan. Once the district either becomes subject to an ADC again or its ADC is dissolved, the district board must begin compensating the individual under the terms of the district board's employment contract with the individual for district superintendent.

## **Performance audit**

The act requires the Auditor of State to complete a one-time performance audit of the district between July 1, 2022, and June 30, 2025, and submit the audit results to the district board and the district's ADC.

## **ESC governing board subdistricts**

(Section 733.50)

When an educational service center (ESC) is formed by the merger of two or more smaller ESCs, the governing board of the new ESC may divide its electoral territory into subdistricts with each member elected from one of those subdistricts, instead of being elected at large from the ESC's entire territory. However, in compliance with the constitutional one-person, one-vote principle for popular elections, continuing law requires each ESC that has subdistricts to reconfigure them every ten years so that each member fairly represents about the same number of people. Generally, this redistricting must be completed within 90 days after the official announcement of the results of each federal decennial census. If a governing board fails to redistrict its territory by that date, the state Superintendent must redistrict it within 30 days thereafter.<sup>58</sup>

The act temporarily permits an ESC board to delay its next redistricting until July 1, 2022. The state Superintendent, then, has until August 1, 2022, to redistrict an ESC, if a board fails to do so. This provision also delays the first election for board members under the new organization until November 2023.

## **ESCs and competitive federal grants**

(R.C. 3312.01)

The act specifies that an ESC must be considered a "local education agency" for the purposes of eligibility in applying for *competitive* federal grants. Law retained by the act specifies that an ESC also must be considered a "school district" for the purposes of eligibility in applying for a state grant or federal grant. Prior law, however, did not specify that the authority applies only to federal grants that are competitive.

## **Adult Diploma Program minimum age**

(R.C. 3313.902)

The act lowers the minimum age to participate in the Adult Diploma Program from 22 to 20. The program provides job training and an alternate pathway for adults who have not received a high school diploma or certificate of high school equivalence to earn an industry-recognized credential aligned to one of Ohio's in-demand jobs and earn a state-issued high school diploma.

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<sup>58</sup> R.C. 3311.054, not in the act.

## Ohio Code-Scholar Pilot Program

(R.C. 3313.905; Section 812.20)

The act requires Southern State Community College (SSCC) to establish and maintain a five-year Ohio Code-Scholar Pilot Program to support technical workforce needs. Eligible counties for the pilot program are Fayette, Clinton, Adams, Highland, Brown, and Pike.

By July 31, 2021, SSCC must appoint a program coordinator to oversee the pilot program. Full administration of the program must be implemented by the fall of 2022. The program coordinator must do all of the following:

1. Form a coalition consisting of members of the Department of Education, educators in grades K-12, career-technical education staff, educational service center staff, representatives of post-secondary institutions, federally and state-funded research organizations, and local area businesses in the areas in which the pilot program is operating;
2. Act as the liaison between SSCC and the coalition to develop the pilot program;
3. Collaborate with the coalition to develop a curriculum for grades 7-12 for the pilot program that focuses on industry standards in the field of computer sciences, including coding;
4. Submit an annual report to SSCC regarding the progress and implementation of the pilot program;
5. Determine the manner in which the pilot program will recruit school districts and other participants from eligible counties for the fall of 2021;
6. Develop a structured timeline by which the pilot program;
7. Determine how to include the College Credit Plus program in the pilot program;
8. Collaborate with the designated department, advisor, and instructor (appointed by SSCC) to develop an articulation system for credits earned under the pilot program and align them into a for-credit program at SSCC; and
9. Act as fiscal operator of the pilot program and oversee the use of any funds appropriated by the General Assembly.

The program curriculum for grades 7 and 8 must focus on career exploration, career readiness initiatives, and an introduction to coding and computer sciences. For grades 9-12, the focus must be in intermediate and advance coding, computer sciences, and the potential for industry-level credentialing.

At the end of the five-year period, the act requires SSCC, in collaboration with the program coordinator, to submit a full report and any legislative recommendations to the General Assembly regarding the outcomes of the pilot program.

## Career Promise Academy pilot program

(R.C. 3302.043)

The act requires the Department to establish the Career Promise Academy Summer Demonstration Pilot Program to operate in the 2021-2022 and 2022-2023 school years. Under

the program, the Department must solicit proposals from city school districts that have persistently low state report card ratings, but are not subject to an academic distress commission, to establish and operate a Career Promise Academy during the summer. The act also requires the Department to adopt guidelines and procedures to operate the pilot program.

A Career Promise Academy must provide students entering 9<sup>th</sup> grade with intensive literacy instruction, internship or mentoring experiences, and instruction regarding academic preparedness skills, life skills, and financial literacy.

The act requires the Department to approve one proposal based on criteria adopted by the Department and to award a grant to the school district with an approved proposal. A proposal approved under the Department's criteria must include:

1. A requirement that the Career Promise Academy operate for four consecutive weeks in the summer of 2021 and five consecutive weeks in the summer of 2022;

2. A requirement that only 75 or fewer students participate in the Career Promise Academy in one summer;

3. A requirement that the school district submit to the Department any data that the Department and district jointly determine are necessary to evaluate the pilot program;

4. A method to determine student eligibility to participate in the Career Promise Academy. The method must identify students entering 9<sup>th</sup> grade who are at risk of not qualifying for a high school diploma based on the student's scores on state English language arts and math assessments administered in 8<sup>th</sup> grade and other academic or social-emotional factors.

5. A description of the instruction and internship or mentoring experiences that participating students will receive;

6. An agreement with the school district's business advisory council and other organizations or businesses to identify or provide internship and mentoring experiences to participating students; and

7. An agreement with at least one institution of higher education to identify and engage with prospective teachers to serve as mentors and academic coaches to participating students.

## **Advanced standing programs for secondary students**

(R.C. 3313.6013)

The act specifically requires public and chartered nonpublic high schools to provide information at least annually to students in grades 6 through 11 about their advanced standing programs. Prior law required that students be informed about the programs, but it did not specify the frequency.

## **Interscholastic athletics transfer rules**

(Repealed R.C. 3313.5316)

The act repeals a requirement, enacted in 2019, that school districts, interscholastic conferences, and organizations that regulate interscholastic athletics have uniform transfer rules for public and nonpublic schools.

## **Nonpublic school administration of drugs**

(R.C. 3313.713)

The act subjects chartered nonpublic schools to the same requirements and procedures as school districts related to the administration of prescription drugs to students. Thus, each chartered nonpublic school must adopt a policy regarding whether school employees may administer prescription drugs to students. Just like school districts, that policy must either (1) prohibit the district's employees from administering prescription drugs or (2) authorize designated employees to do so. If the school permits administration of prescription drugs, it must adopt a policy designating the employees authorized to administer them. Those employees must be licensed health professionals or individuals who have completed a drug administration training program conducted by a licensed health professional and considered appropriate by the chartered nonpublic school's governing authority. Conversely, a chartered nonpublic school that does not permit administration of prescription drugs must adopt a policy stating that no employee may do so, except as required by federal special education law.

Like a school district, a chartered nonpublic school that opts to administer prescription medication may do so only after all of the following occur:

1. The school receives a written request to administer medication to the student signed by a parent or guardian;
2. The school receives a statement signed by the prescriber that includes the student's name, address, school and class in which the student is enrolled, name of drug and dosage, the times at which each dose is to be administered, the date administration begins and ends, any potentially severe adverse reactions, and instructions for administration;
3. The parent or guardian agrees to submit a revised statement signed by the prescriber if any of the information changes;
4. The person authorized to administer medications receives a copy of the statement;
5. The person authorized to administer medications receives the medication in the container in which it was dispensed by the prescriber or pharmacist; and
6. All other procedures required by the school are followed.

Also as in the case of school district employees under continuing law, the act provides immunity for nonpublic school employees from liability in a civil action for money damages for administering or failing to administer a drug in accordance with the school's policy, unless it is done in a manner that is gross negligence or wanton or reckless misconduct.

## Sale or lease of school district property

(R.C. 3313.411; Section 812.10)

For purposes of the involuntary sale or lease of school district real property, the act adds to the definition of an “unused school facility” any school building that has been used for direct academic instruction but less than 60% of the building was used for that purpose in the preceding school year. This addition to the definition is effective July 1, 2022. Law, not changed by the act, defines “unused school facility” also as real property that has been used by a school district for school operations, including, but not limited to, academic instruction or administration, since July 1, 1998, but has not been used in that capacity for one year.

Continuing law requires a school district to offer to lease or sell “unused” real property to community schools, college-preparatory boarding schools, and STEM schools located within the district. Community schools that meet the statutory definition of “high-performing” must be given priority in such transactions. Districts also may offer the property to existing community schools located outside the district, if those schools have plans, stipulated in their contracts with their sponsors, to relocate to the district.

## Obsolete reports, plans, or recommendations

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

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

Section number	Description
<b>R.C. 3301.0724 (Repealed)</b>	An annual report by the Department of Education to the General Assembly regarding aggregate spending on specified compensation components for the previous school year for teachers and other school employees employed by each school district.
<b>R.C. 3301.122 (Repealed)</b>	A ten-year strategic plan developed by the Superintendent of Public Instruction that is aligned with the strategic plan developed for higher education to be submitted to the General Assembly (due December 1, 2009).
<b>R.C. 3301.46 (Repealed)</b>	A joint plan proposing a standard method and form for documenting high school transcripts, credit transfer and articulation, and any electronic clearing house for student transcript transfer developed jointly by the Department and the Chancellor of Higher Education (due April 30, 2009).
<b>R.C. 3301.922 (Repealed)</b>	An annual report regarding participation by public and chartered nonpublic schools to screen students for body mass index and weight status to be submitted by the Department to the Governor and the General Assembly.

Section number	Description
<b>R.C. 3311.741(E)</b>	A report evaluating a municipal school district's performance to be submitted by the state Superintendent to the Governor and the General Assembly (due November 15, 2017).
<b>R.C. 3313.488(E)</b>	A monthly report by the state Superintendent to the Speaker of the House and the President of the Senate for each month that a school district is unable to meet its expenses.
<b>R.C. 3313.603(D)</b>	A report that analyzes student performance data to determine if there are mitigating factors that warrant extending graduation qualification exemptions for students who entered 9 <sup>th</sup> grade between July 1, 2010 and July 1, 2016, by the Department, in collaboration with the Chancellor of Higher Education (due December 1, 2015).
<b>R.C. 3313.901 (Repealed)</b>	A plan for accelerating the modernization of the career-technical education curriculum by the State Board of Education (to be presented July 1, 1990, with annual progress reports issued through FY 2000).
<b>R.C. 3314.013(D)</b>	Standards for operation of internet- or computer-based community schools (e-schools) by the Director of the Governor's Office 21 <sup>st</sup> Century Education to the Speaker of the House and the President of the Senate (due July 1, 2012).
<b>R.C. 3314.017(J)</b>	Study committee recommendations regarding community schools that primarily serve students enrolled in dropout prevention and recovery programs that offer blended learning, portfolio learning, and credit flexibility to the General Assembly (due April 17, 2020).
<b>R.C. 3314.033 (Repealed)</b>	Recommendations by the State Board to the General Assembly regarding the standards governing the operation of e-schools and other educational courses delivered by electronic media (due September 30, 2003).
<b>R.C. 3314.37 (Repealed)</b>	A five-year research and development initiative to collect and analyze data with which to improve community school dropout prevention and recovery programs, known as the ISUS Institutes (initiative ended on June 30, 2013).