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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 554\*  
134<sup>th</sup> General Assembly

## Bill Analysis

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**Version:** As Reported by Senate Primary & Secondary Education

**Primary Sponsors:** Reps. Lightbody and Bird

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### SUMMARY

- Requires the State Board of Education, upon application, to issue nonrenewable, two-year temporary educator licenses to, individuals with expired professional teacher's certificates or professional educator licenses.
- Requires the State Board to issue professional educator licenses to those temporary license holders who complete specified continuing education coursework.

### Educator Standards Board

- Requires the Chancellor of Higher Education to appoint to the Educator Standards Board (ESB) one representative each from the State University Education Deans and the Ohio Association of Private Colleges for Teacher Education.
- Removes the requirement that the Chancellor appoint to the ESB two members respectively employed by a college of education and a college of arts and sciences.
- Removes the requirement that the ESB maintain a standing subcommittee on higher education.
- Eliminates the ESB subcommittee on the standards for teacher preparation.

### Special education funding for developmentally delayed children

- Includes all children identified as "developmentally delayed" into Category 2 of the special education funding formula for districts and schools, expanding the current law rule that includes only preschool children with developmental delays.

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\* This analysis was prepared before the report of the Senate Primary and Secondary Education Committee appeared in the Senate Journal. Note that the legislative history may be incomplete.

- Expands the definition of a “child with a disability” to include children ages three through nine who are experiencing a developmental delay, rather than the current law definition that includes developmentally delayed children ages three through five.

### **Preschoolers with developmental delays who turn six**

- Requires that children attending preschool as of the bill’s effective date who are identified as having a developmental delay and turn six years old on or before June 30, 2023, be permitted to remain in preschool and continue to be identified as having a developmental delay through June 30, 2023.

### **State university logos**

- Permits state universities to develop policies regarding the use of the university’s logos by student organizations.

### **Children of military families’ participation in CCP**

- Requires any secondary school or college that participates in the College Credit Plus (CCP) program to permit children of military families enrolled in CCP who must withdraw due to their parents stationing orders the option to complete the coursework or withdraw without academic or financial penalty.

### **Autism scholarship providers – behavior analysts**

- Removes registered behavior technicians and certified behavioral analysts who are under supervision or in training status from the list of individuals who may provide intervention services under the Autism Scholarship Program.

### **STEM school facilities**

- Requires a STEM school and the Facilities Construction Commission, when the Commission approves a specified increase in the cost of a classroom facilities construction project, to share that cost in proportion to their contributions to the school’s project construction fund.

### **High school graduation requirements**

- Qualifies a student who attends a chartered nonpublic school that only administers the ACT or SAT who earns a remediation-free score in English, math, and reading on the ACT or SAT for a high school diploma.
- Requires the Department of Education to prescribe standards to allow transfer students to use their pretransfer state assessment scores to meet the high school graduation requirements at their new school.

## **FTE reporting option for certain community schools based on credits earned**

- Permits certain community schools the option to report to the Department of Education the number of students enrolled in the community school on a full-time equivalent basis based on credits earned for the 2022-2023 school year.
- Requires the Department to complete a review of each community school that chooses to report the full-time equivalency of students as described just above.
- Permits a community school to which the bill's provisions apply to report attendance to the Department consistent with the attendance policy approved by the governing authority of the school.

## **Community schools**

- Permits multiple community school facilities to be located in counties adjacent to the county in which the school's primary facility is located.

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# **DETAILED ANALYSIS**

## **Temporary educator licenses**

The bill requires the State Board of Education, upon application, to issue nonrenewable, two-year temporary educator licenses to individuals with expired professional teacher's certificates (issued under former law) or professional educator licenses. To qualify for a temporary license, an individual must not have any disciplinary sanctions on the expired certificate or license. Further, an individual who receives a temporary educator license must complete any training required by the district or school prior to providing instruction.<sup>1</sup>

The temporary license is valid for teaching in the same subject areas and grades for which the expired certificate or license was issued, including any endorsements attached to the certificate or license.

## **Conversion to a professional educator license**

The bill requires the State Board to issue a professional educator license with any applicable endorsements to an individual who, during the duration of the temporary license, completes either 18 continuing education units (180 contact hours) or 6 semester hours of coursework in the area of licensure or in an area related to the teaching field. The professional educator license and any endorsements are valid for teaching in the same subject areas and grades for which individual's expired certificate or license was issued.<sup>2</sup>

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<sup>1</sup> R.C. 3319.222(G).

<sup>2</sup> R.C. 3319.222(G)(3).

## **Administrative rule on reinstatement of expired educator licenses**

Recently, the State Board revised its rule regarding professional educator license reinstatement. The revised rule, effective November 4, 2021, allows for the issuance of a one-year, nonrenewable “reinstatement license” valid in the same grade levels and curriculum areas as an individual’s expired license, at the request of an employing school district. The reinstatement license is available to an individual whose professional educator license has been expired for at least one year from the effective date of the reinstatement license.

The holder of a reinstatement license must design a professional development plan to complete, prior to its expiration, either 9 semester hours of coursework or 27 continuing education units (270 contact hours) or other equivalent activities related to classroom teaching or the area of licensure. Upon completion of the professional development requirements, the expired professional educator license then may be renewed.

The rule, however, does not seem to address whether expired professional educator’s “certificates,” issued under former law, are eligible for reinstatement.<sup>3</sup>

## **Educator Standards Board**

The bill requires the Chancellor of Higher Education to appoint to the Educator Standards Board (ESB) one representative from the State University Education Deans and another from the Ohio Association of Private Colleges for Teacher Education. It also specifies that these representatives will each serve a two-year term beginning on July 1, 2023.

The bill removes the requirement that the Chancellor appoint to the ESB two members respectively employed by a college of education and a college of arts and sciences.<sup>4</sup> Terms for these members end on June 30, 2023. In addition, it removes the requirement that the ESB maintain a standing subcommittee on higher education<sup>5</sup> and eliminates the ESB subcommittee on the standards for teacher preparation.<sup>6</sup>

## **Special education funding for developmentally delayed children**

Under current law, funding for special education is divided into six categories. Each category is assigned its own weight coefficient, or multiple. That multiple is used to calculate the amount of additional funding paid to a school district or other public school for each identified student with a disability receiving special education and related services. A higher multiple corresponds with more funding per student to account for an assumed higher cost of providing services to the student. Under the current funding formula in place for FY 2022 and 2023, it is multiplied by “statewide average base cost per pupil” (\$7,352 for FY 2022), and in the

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<sup>3</sup> Ohio Administrative Code 3301-24-08(C), (I) and (J).

<sup>4</sup> R.C. 3319.60(A)(2).

<sup>5</sup> R.C. 3319.60(D).

<sup>6</sup> R.C. 3319.613.

case of a school district further multiplied by its “state share percentage.”<sup>7</sup> In addition, the special education funding is subject to the phase-in percentage prescribed by the school funding formula (16.67% for FY 2022 and 33.33% for FY 2023).<sup>8</sup>

The current categories and their multiples are the following:

1. Students with only a speech and language disability, 0.2435;
2. Any students with a specific learning disability, a developmental disability, or other health impairment-minor and preschool students with a developmental delay, 0.6179;
3. Students with a hearing disability or a severe behavioral disability, 1.4845;
4. Students with a vision impairment or other major health impairment-major, 1.9812;
5. Students with an orthopedic disability or multiple disabilities, 2.6830;
6. Students with autism, a traumatic brain injury, or both vision and hearing impairment, 3.9554.

The bill amends Category 2 to include all students identified as having a developmental delay, rather than only preschool students, thus assigning such students a funding multiple of 0.6179.<sup>9</sup>

### **Definition of a “child with a disability”**

The bill extends the upper age limit for a developmentally delayed child to be identified under state law as a “child with a disability” from six to ten years of age. Thus, under the bill, children ages three through nine may be identified as developmentally delayed and thereby placed into Category 2 for special education funding.<sup>10</sup>

The bill’s extended age range aligns with the federal law definition of “child with a disability” that includes children ages three through nine who are experiencing developmental delays. However, the federal law permits a state or a local educational agency (that is, a school district or other public school) to recognize “any subset of that age range, including ages 3 through 5” for identifying children with developmental delays.<sup>11</sup>

### **Preschoolers with developmental delays who turn six**

The bill requires that children attending preschool as of the bill’s effective date who are identified as having a developmental delay and turn six years old on or before June 30, 2023, be

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<sup>7</sup> R.C. 3317.022 and 3317.16, neither in the bill.

<sup>8</sup> Section 265.215 of H.B. 110 of the 134<sup>th</sup> General Assembly.

<sup>9</sup> R.C. 3317.013 and 3323.01.

<sup>10</sup> R.C. 3323.01.

<sup>11</sup> 20 United States Code 1401(3).

permitted to remain in preschool and continue to be identified as having a developmental delay through June 30, 2023.<sup>12</sup>

## State university logos

The bill permits state universities to develop a policy to permit a registered student organization to use the university's master and subsidiary logos for any of the organization's activities, materials, publications, or websites that are not otherwise sanctioned by the university.<sup>13</sup>

The bill prohibits the use of a state university's logos by a student organization unless the university sanctioned such a use and the use complies with the state university's logo policy.<sup>14</sup>

The bill prescribes requirements for a logo use policy adopted by a state university.<sup>15</sup> Under the bill's requirements, a state university's policy must include the following:

1. A definition of "student organization" for the purposes of the policy;
2. A procedure for student organizations to request approval to use logos, which must require that, in addition to the approval or denial of the request, the name of the employee who approves or disapproves a request, and the date of the approval or disapproval be included on the request form;
3. Standards for the approval or disapproval of a student organization's request, including a prohibition on the use of state university logos to indicate the university's approval or disapproval of a political or social issue;
4. A requirement that approved student organizations include disclaimers on any printed or digital material that use the state university's logo;
5. A grievance procedure for when a logo request is disapproved or a student organization is improperly using a logo;
6. Penalties for improper logo use;
7. The production of reports detailing the resolution of grievances;
8. Recordkeeping of all requests and grievance reports;
9. Providing information regarding the policy at annual student organization leader training; and

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<sup>12</sup> Section 4.

<sup>13</sup> R.C. 3345.141(A).

<sup>14</sup> R.C. 3345.141(B).

<sup>15</sup> R.C. 3345.141(C).

10. If determined appropriate by the university's board of trustees, the designation of a state university office or department and assignment of employees to perform the duties under the policy.<sup>16</sup>

Under the bill, the policies adopted under Section 3345.141 of the Revised Code do not apply to Sections 3376.01 to 3376.08 of the Revised Code regarding the name, image, and likeness of student athletes, any commercial revenue generating opportunity sanctioned by a state university, and student organizations that operate on a campus on which a state university is co-located with another institution of higher education.<sup>17</sup>

### **Children of military families' participation in CCP**

Requires any secondary school or college that participates in the College Credit Plus (CCP) program to permit children of military families participating in the program who must withdraw from that school because of a parent or guardian's permanent change of station order out of the state to transition from one military installation to another to do either of the following:

1. Complete participation in the course the student is taking through CCP for the duration of the semester in which the student is enrolled in an online format, if possible;
2. Withdraw from the course the student is taking through CCP without academic or financial penalty.<sup>18</sup>

### **Autism scholarship providers – behavior analysts**

The bill removes "registered behavior technician" and "certified Ohio behavior analyst" from the list of individuals who, while employed by and under the supervision of a licensed psychologist or licensed school psychologist, may provide intervention services under the Autism Scholarship Program. However, it maintains that psychology trainees, psychology assistants, psychology interns, and any other person that is clearly supervised or in training may provide those services. Continuing law also permits a certified behavioral analyst (that is not under supervision or in training status) to provide those services.<sup>19</sup>

### **STEM school facilities**

The bill addresses how a STEM school and the Facilities Construction Commission share an increase in the cost of a classroom facilities construction project that occurs after the school and Commission enter into a written agreement regarding the project. Specifically, if the Commission approves an increase in the basic project cost above the amount budgeted plus

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<sup>16</sup> R.C. 3345.141(C).

<sup>17</sup> R.C. 3345.141(D).

<sup>18</sup> R.C. 3365.036.

<sup>19</sup> R.C. 3310.41

any interest earned and available in the school's project construction fund, the state and school must share the increased cost in proportion to their respective contributions to that fund.<sup>20</sup>

Continuing law requires the Facilities Construction Commission to provide funding to assist qualifying STEM schools in constructing, reconstructing, repairing, or making additions to classroom facilities. Only STEM schools that are not governed by a school district board of education may receive that funding.<sup>21</sup>

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. A STEM school may be governed under one of two models. Under the first, the STEM school is governed by a governing body organized in a manner described in the school's approved proposal for operation. Under the other model, a school district board of education governs the STEM school as one of the district board's own schools.<sup>22</sup>

## High school graduation requirements

The bill makes changes to the high school graduation requirements for a public or chartered nonpublic school student who enters ninth grade for the first time on and after July 1, 2019 (the Class of 2023 and on). Generally, a student qualifies for a high school diploma by completing the school's curriculum, demonstrating competency on the Algebra I and English language arts II end-of-course exams, and earning at least two state diploma seals.<sup>23</sup>

### Chartered nonpublic schools

Continuing law permits chartered nonpublic schools to elect to administer only a nationally standardized assessment (ACT or SAT) to their students, instead of one of those assessments and the end-of-course exams as otherwise generally required under the law.<sup>24</sup>

The bill establishes a separate pathway to qualify for a high school diploma for students attending such schools. Specifically, those students may qualify for a high school diploma by completing their school's curriculum and earning a remediation-free score on the ACT or SAT in English, math, and reading. Under the bill, those students are not required to earn diploma seals to graduate.<sup>25</sup>

Under current law, students who attend chartered nonpublic schools that only administer the ACT or SAT are not required to demonstrate competency on the end-of-course

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<sup>20</sup> R.C. 3318.70(E).

<sup>21</sup> R.C. 3318.70.

<sup>22</sup> R.C. 3326.03 and 3326.51, neither in the bill.

<sup>23</sup> See R.C. 3313.618(B).

<sup>24</sup> R.C. 3301.0711(L)(3)(a)(ii) and 3301.0712(B), neither in the bill.

<sup>25</sup> R.C. 3313.618(D).

exams if they earn a remediation-free score in English, math, and reading on the ACT or SAT. Those students still must earn diploma seals and complete their school's curriculum.<sup>26</sup>

### **Transfer students**

The bill requires the Department of Education to prescribe standards that allow a transfer student who, prior to transferring, took the ACT or SAT, an end-of-course exam, or an alternative assessment approved by the Department to apply the student's score toward graduation requirements at the student's new public or chartered nonpublic school.<sup>27</sup> As a result, transfer students would not need to retake a test, exam, or assessment when they transfer schools.

### **FTE reporting option for certain community schools based on credits earned**

The bill permits certain community schools to report to the Department of Education the number of students enrolled in the community school on a full-time equivalent basis for the 2022-2023 school year as follows:<sup>28</sup>

The greater of:

1. The maximum full-time equivalency for the portion of the school year for which the student is enrolled in the school; or
2. The sum of 1/6 of the full-time equivalency based on attendance for the portion of the school year for which the student is enrolled in the school and 1/6 the full-time equivalency for each credit of instruction earned during the enrollment period, up to five credits.

The bill qualifies a community school described in Section 16 of H.B. 583 of the 134<sup>th</sup> General Assembly and any other community school that is operated by a management company that operates a community school subject to that section.<sup>29</sup> That section applied to a community school that opened for the first time in the 2021-2022 school year and operated using a remote learning plan during that year. Specifically, it qualified that school for state funding, even if it otherwise would not meet the requirements to do so, provided the school uses the same plan as a community school that:

1. Has the same sponsor as the newly opened school; and

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<sup>26</sup> R.C. 3313.618(B), (C) and (D).

<sup>27</sup> R.C. 3313.618(C)(2).

<sup>28</sup> Section 5(B).

<sup>29</sup> Section 5(A).

2. Operated using that remote learning plan for both the 2020-2021 and 2021-2022 school year.<sup>30</sup>

The Department must complete a review of each community school that chooses to report the full-time equivalency of students under the bill.

If the Department determines a school has been overpaid based on the above report, the bill requires the school to submit a repayment of the overpaid funds and permits the Department to require the school to establish a plan to improve the reporting of enrollment.<sup>31</sup>

For purposes of reporting attendance and meeting minimum school year requirements prescribed under current law, the bill permits a community school described above to report attendance to the Department consistent with the attendance policy approved by the governing authority of the school.<sup>32</sup>

## Community schools

### Multiple community school facility locations

Generally, a community school may be established in only one school district under the same sponsorship contract. However, several exceptions exist. One exception permits a community school to be located in multiple facilities in the same county and is either sponsored by a school district having territory in that county or managed by an operator. The bill expands that exception to permit facilities in counties adjacent to the county in which the school's primary facility is located.<sup>33</sup>

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## HISTORY

Action	Date
Introduced	02-01-22
Reported, H. Primary & Secondary Education	05-18-22
Passed House (95-0)	05-25-22
Reported, S. Primary & Secondary Education	--

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<sup>30</sup> Section 16 of H.B. 583 of the 134<sup>th</sup> General Assembly, not in the bill.

<sup>31</sup> Section 5(C).

<sup>32</sup> Section 5(D).

<sup>33</sup> R.C. 3314.05(B)(4).