



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

S.B. 168*
135th General Assembly

Bill Analysis

[Click here for S.B. 168's Fiscal Note](#)

Version: As Reported by Senate Education

Primary Sponsor: Sen. Reynolds

Holly Gilman, Attorney

SUMMARY

District exemption from certain statutory requirements

- Permits a school district to renew its exemption from certain statutory requirements related to every three years, rather than one three-year term only.
- Requires the Department of Workforce and Education to notify districts that are eligible about this exemption.

Teachers and other school employees

- Permits school districts to develop and use their own frameworks for teacher evaluation, instead of using a framework developed by the State Board of Education.
- Modifies license or certificate qualifications for senior or lead professional educators, holders of professional administrator or alternative superintendent licenses, and nonteachers employed as teachers.
- Codifies an administrative rule that permits the State Board to issue an educator license to certain qualified out-of-state educators.
- Eliminates seniority as a preference when making reductions in nonteaching staff positions.

Unlicensed employee RAPBACK requirements

- Makes corrective or clarifying changes to provisions of H.B. 33 of the 135th General Assembly pertaining to unlicensed employee RAPBACK requirements.

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

Professional development

- Changes certain professional development requirements related to dyslexia training and the coordination of continuing education and professional development.

Teaching contracts for classes outside typical school day

- Eliminates a requirement that districts enter into supplemental contracts with teachers assigned to teach classes outside the normal school day.

Board of education meetings

- Clarifies that a school district is not required to hold a separate, individual public hearing on a proposed school calendar, but that the calendar may be addressed as part of another public hearing or meeting.
- Requires that the record of proceedings of a board of education meeting be read at the board's next regular meeting, instead of at the next succeeding meeting.

Remote testing for state assessments

- Permits public schools that use an online learning model to complete most statewide achievement and diagnostic assessments remotely in an online format.

Payment for tutoring and remedial education program

- Modifies payment and tutor registration procedures for the Tutoring and Remedial Education Program.

Intradistrict open enrollment

- Requires a school district that conducts an intradistrict enrollment lottery to engage in certain deadline and notice procedures.

Student transportation – afterschool time

- Creates an exception to the 30 minute timeframe within which students must be picked up following the end of school day if students are provided academic services provided by a school employee and limits those services to up to one-half hour.

Community schools

- Permits a community school sponsor that was rated “exemplary” on its most recent evaluation to sponsor up to 200 community schools
- Eliminates the requirement that community schools conduct monthly reviews of the residency of enrolled students.
- Eliminates e-school enrollment limits.
- Eliminates the requirement that each sponsorship contract include a provision requiring the sponsor to report annually the results of the academic and fiscal performance evaluation.

Notice requirements for certain reemployed STRS and SERS retirants

- Modifies the notice requirements for certain reemployed STRS and SERS retired members.

Removal of obsolete provisions

- Removes a number of policies and programs from the laws governing the Department of Workforce and Education and the State Board of Education.

TABLE OF CONTENTS

District exemption from certain statutory requirements.....	4
Teachers and other school employees	4
Teacher evaluation – alternative framework.....	4
Teacher and other professional qualifications.....	4
Senior or lead professional educator	4
Professional administrator license	5
Employment of other individuals.....	5
Temporary out-of-state teaching licenses	5
Nonteaching employee staffing reductions – preferences	6
Unlicensed employee RAPBACK requirements	6
Professional development	6
Dyslexia professional development	6
Professional development for educator license renewal	6
Teaching contracts for classes outside typical school day	7
Board of education meetings.....	7
Public hearing regarding school calendars.....	7
Records of proceedings.....	7
Remote testing for state assessments.....	7
Payment for tutoring and remedial education program	8
Intradistrict open enrollment	9
Student transportation-afterschool time	9
Community schools.....	9
Number of community schools an entity may sponsor	9
Monthly community school student residency review.....	9
E-school enrollment limits.....	10
Notice requirements for certain reemployed STRS and SERS retirants	10
Removal of obsolete provisions.....	10

DETAILED ANALYSIS

District exemption from certain statutory requirements

The bill permits a school district to renew an exemption from certain statutory requirements related to teacher licensure and other topics, every three years, as long as the district continues to qualify for the exemption. Current law does not address renewal of the exemption past an initial three-year term. Additionally, the bill requires the Department of Education and Workforce to notify, annually by September 30, each eligible district that the district is in fact eligible and that the exemptions exist.¹

Under law modified by the bill (see “[Removal of obsolete provisions](#),” below), a district that meets certain state report card benchmarks may be exempt from complying with requirements related to teacher qualification and licensing, mentoring under the Ohio Teacher Residency Program, certain classroom size standards, and other requirements. The benchmarks a district must meet to qualify are:²

1. At least an 85% performance index score;
2. An “A” grade for performance indicators (eliminated by the bill);
3. At least a 93% four-year adjusted cohort graduation rate and at least a 95% five-year rate.

Teachers and other school employees

Teacher evaluation – alternative framework

The bill adds an alternative framework for a school district board of education to use in teacher evaluation procedures. Current law requires a school district to develop and adopt standards-based teacher evaluation procedures according to a framework developed by the State Board of Education.³ The bill permits a district to select a framework developed or adopted by the district, rather than the State Board framework.⁴

Teacher and other professional qualifications

Senior or lead professional educator

The bill requires an applicant for a senior professional educator license or lead professional educator license to hold at least a bachelor’s degree. Current law requires applicants to hold at least a master’s degree.⁵

¹ R.C. 3302.151(E).

² R.C. 3302.151(D).

³ R.C. 3319.112.

⁴ R.C. 3311.80 and 3319.111.

⁵ R.C. 3319.22(B).

Professional administrator license

The bill codifies the requirements for a professional administrator and alternative superintendent licenses, currently set in State Board rule. The bill makes one change from the current rule to reduce the educational attainment requirement from a master's to a bachelor's degree. The bill provides that individuals with at least a bachelor's degree who meet all other criteria prescribed by the State Board in rule for the professional administrator and alternative superintendent licenses.⁶

Employment of other individuals

The bill permits a school district, community school, or STEM school to employ an unlicensed individual as a teacher, provided the individual holds at least a master's degree and has successfully completed an exam prescribed by the State Board for the subject area in which the individual will teach. An individual seeking such employment must apply for and receive a registration from the State Board and submit to a criminal records check and enrollment in RAPBACK in the same manner as a licensed teacher. The bill further requires each individual employed in this manner to successfully complete fifteen hours, or the equivalent, of coursework every five years that is approved by the local professional development committee, similar to requirements placed on a licensed teacher.⁷

Temporary out-of-state teaching licenses

The bill codifies an administrative rule that permits the State Board to issue an educator license to certain qualified out-of-state educators.⁸ Under that rule, the State Board must issue a one-year nonrenewable out-of-state educator license, valid for teaching the grade levels and curriculum areas named in the license upon request of an employing school district to a qualified applicant of good moral character who: (1) is an out of state applicant and the holder of a valid out-of-state teaching license who has a bachelor's degree, has completed an approved teacher preparation program, and a licensure exam, but who has not yet successfully completed Ohio's licensure exam and (2) has completed at least six of the required 12 semester hours of coursework in the teaching of reading for educators requesting an early childhood, primary, middle childhood, pre-k through 8, intervention specialist, early childhood intervention specialist, or primary intervention specialist license. Any remaining coursework must be listed as a limitation on the license and must be completed before the out-of-state licensure expires.

The bill retains the statutory option to complete the foundations of reading exam in lieu of the requirement to complete six hours of coursework in reading.

⁶ R.C. 3319.273.

⁷ R.C. 3319.225.

⁸ R.C. 3319.2210.

Nonteaching employee staffing reductions – preferences

The bill eliminates the preference for retaining employees on the basis of seniority when a district must reduce the workforce of nonteaching employees in a school. Under current law, preference is given first to employees under continuing contracts and then by employee seniority. The bill would continue the initial preference for employees under continuing contracts, but eliminates the preference based on seniority unless the district is making a decision between two employees with comparable evaluations.⁹ The bill similarly removes seniority as a preferential factor when evaluating restoration of employees whose service under continuing contracts were suspended under a force reduction plan when a position becomes vacant or is created.

Unlicensed employee RAPBACK requirements

With respect to employees and contractors of schools and educational service centers, the bill specifies that unlicensed persons who are employed in or contracted for a position with a school district, educational service center, or chartered nonpublic school must be enrolled in the Retained Applicant Fingerprint Database (RAPBACK) only when the district, service center, or school reasonably determines the position may involve routine interaction with a child or regular responsibility for the care, custody, or control of a child. Furthermore, the bill clarifies that the State Board receives notice of enrollment in RAPBACK on behalf of “school districts, educational service centers, and chartered nonpublic schools,” instead of on behalf of “employers.”¹⁰

Professional development

Dyslexia professional development

The bill clarifies that a district or school may determine the number of hours that a teacher employed by the district or school must complete to satisfy professional development requirements regarding instruction of students with dyslexia.¹¹ Under continuing law, the Ohio Dyslexia Committee prescribes instruction in training that teachers must complete in identifying characteristics of dyslexia and understanding the pedagogy for instructing students with dyslexia. Instruction must be between six and 18 clock hours.

Professional development for educator license renewal

The bill specifically permits a professional development committee to grant as credit towards continuing education requirements a professional development training required by statute to an individual seeking to renew any educator license.¹² Continuing education credit is limited to one completed professional development course per licensure renewal period. In

⁹ R.C. 3319.172.

¹⁰ R.C. 3319.316 and 3319.391.

¹¹ R.C. 3319.077.

¹² R.C. 3319.22(F).

order to qualify for continuing education credit, the bill requires that a professional development course be completed during the time in which an individual holds a valid educator license. Under current law, school districts and chartered nonpublic schools must establish local professional development committees to establish standards for completion of professional development courses and training for educator licensure renewal.

Teaching contracts for classes outside typical school day

The bill modifies a contracting requirement related to districts offering classes for high school credit outside the normal school day. Under current law, a district offering such classes is required to enter into a supplemental contract with a teacher assigned to teach the classes. The bill makes this permissive – the district is no longer required to enter into a supplemental contract for teachers assigned classes outside the normal school day.¹³

Board of education meetings

Public hearing regarding school calendars

The bill clarifies that a current law requirement requiring each school district to hold a public hearing within 30 days before adopting a school calendar. The bill provides that the hearing can be part of another public hearing or board meeting; it does not need to be a separate, individual hearing.¹⁴

Records of proceedings

The bill requires that the record of proceedings of a board of education meeting be read at the board's next regular meeting, instead of at the next succeeding meeting as under current law.¹⁵

Remote testing for state assessments

The bill permits a school operated by a school district that uses an online learning model, an internet- or computer-based community school ("e-school"), and a community school in which a majority of the students are enrolled in a dropout prevention and recovery program that operates in an online format to complete most statewide achievement and diagnostic assessments remotely in an online format, provided that the school elects to do so.¹⁶

To that end, the bill permits students who attend a school that elects to offer remotely administered assessments to complete any of the statewide achievement and diagnostic

¹³ R.C. 3319.0811.

¹⁴ R.C. 3313.48.

¹⁵ R.C. 3313.26.

¹⁶ R.C. 3302.421 and 3314.252.

assessments (except for the kindergarten readiness assessment) remotely in an online format if the following conditions are met:¹⁷

1. The student takes the assessment during the testing windows prescribed by the Director of the Department of Education and Workforce;
2. The student attends a synchronous assessment session initiated and managed by the school in which the student is enrolled;
3. The student takes the assessment using a device in which the student will be monitored by the assessment proctor through video and audio for the duration of the assessment administration;
4. The school maintains a ratio of ten to one, or lower, for students taking an assessment to the assessment proctor;
5. The student does not exit the assessment administration until instructed to do so by the assessment proctor; and
6. The assessment proctor verifies the submission of the assessment.

The bill provides that if the online assessment platform does not support integrated camera proctoring, that the student must use two devices for the duration of the assessment administration. One device must be used for the student to take the assessment while the other device is used for the proctor monitoring the student for the assessment's duration. The device used by the student must be a computer.¹⁸

A school that elects to offer remotely administered assessments must (1) require that students, parents or legal guardians, and proctors sign agreements regarding protocols for remotely administered assessments and (2) require training on remotely administered assessments.¹⁹

The bill permits the Department to establish a remote proctoring certification course to certify remote assessment administrators. It also permits the Department or an assessment vendor to examine student performance results if there is an anomalous increase in scores on remotely administered assessments.²⁰

Payment for tutoring and remedial education program

The bill permits schools participating in the Tutoring and Remedial Education Program to instruct their educational service center or school district to authorize payment to the service center that coordinates the tutoring program. It also permits participating schools to use federal or state grants or other federal or state dollars applicable for tutoring or other

¹⁷ R.C. 3302.421(C) and 3314.252(C).

¹⁸ R.C. 3302.421(D) and 3314.252(D).

¹⁹ R.C. 3302.421(E) and 3314.252(E).

²⁰ R.C. 3302.421(F) and (G) and 3314.252(F) and (G).

services associated with learning loss, in addition to the school's own funds, to pay costs incurred from participating in the program.²¹

Finally, the bill requires tutor volunteers to apply for and receive a registration from the State Board, rather than the Department as under current law.

Intradistrict open enrollment

The bill requires a school district that conducts an intradistrict open enrollment lottery for students to:

1. Conduct the lottery between April 1 and the second Monday of June prior to the school year for which a student is seeking enrollment;
2. Notify parents of students who reside in the district of the lottery date prior to that date; and
3. Post on the district's website information about the lottery, including how and when it will be conducted.²²

Student transportation – afterschool time

The bill creates an extension to the 30 minute timeframe within which students must be picked up following the end of the school day to remain in compliance with student transportation requirements if students are provided academic services supervised by a school employee. When those services are provided, the end of the school day is considered to begin one-half hour after those services commence.²³

Community schools

Number of community schools an entity may sponsor

The bill permits a community school sponsor that was rated "exemplary" on its most recent evaluation to sponsor up to 200 community schools.²⁴

Monthly community school student residency review

The bill eliminates the requirement that community schools conduct monthly reviews of the residency of enrolled students. However, it retains the requirement that community schools verify to the Department the school district in which a student is entitled to attend upon the student's enrollment annually.²⁵

²¹ R.C. 3301.28.

²² R.C. 3313.984.

²³ R.C. 3327.01 and 3327.021.

²⁴ R.C. 3314.015

²⁵ R.C. 3314.11(A) and (G).

E-school enrollment limits

The bill eliminates restrictions on e-schools from exceeding enrollment limits. Current law limits the percentage by which an e-school may increase its enrollment. An e-school may increase its enrollment by a prescribed annual rate of growth above its enrollment limit for the previous school year. The prescribed annual rate of growth for an e-school with an enrollment limit equal to or greater than 3,000 students is 15%. The prescribed annual rate of growth for an e-school with an enrollment limit less than 3,000 students is 25%.²⁶

Academic and fiscal performance evaluation

The bill eliminates a requirement that each sponsorship contract require the sponsor to report on an annual basis the results of the academic and fiscal performance and organization and operation evaluation, but retains the requirement to monitor and evaluate those measures.²⁷

Notice requirements for certain reemployed STRS and SERS retirants

The bill requires a board or commission to give 30 days of notice of a State Teachers Retirement System (STRS) or School Employees Retirement System (SERS) member's retirement from a position customarily filled by a vote before reemploying the member in that position if the board or commission has urgent reasons to fill the position in an expedited manner (the bill maintains the 60 days of notice under current law if it is not urgent to fill the position). It also removes the requirement that a board or commission give notice if the STRS or SERS member has been retired for at least one year before being reemployed in the position.²⁸

Removal of obsolete provisions

The bill eliminates several provisions of the law governing the Department of Education and Workforce, the State Board of Education, and schools more generally as follows:

Provision	Citation (R.C.)
An obsolete requirement that the Department publish a report regarding victims of student violence.	3301.0714(B)(1)(o)
The requirement that the Department provide copies of reports to school districts and the public profiling each school building in the district and a public notice requirement related to these reports.	3301.0714(H)

²⁶ R.C. 3314.20, repealed.

²⁷ R.C. 3314.03(D)(3).

²⁸ R.C. 3307.353 and 3309.345.

Provision	Citation (R.C.)
A Department requirement to establish and report on academic goals for various areas of achievement.	3301.0717
A requirement that the Department encourage, seek out, and publicize innovative and exemplary school-parent and school-business partnerships.	3301.131
An exemplary parental involvement grant program, administered by the Department.	3301.134
An annual reporting requirement from leaders of each seminary, academy, parochial, or private school.	3301.14
Requirements related to supporting school districts with programs for children of migrant agricultural laborers.	3301.30
Use of academic watch or academic emergency as a measure to determine whether a school district must take remedial action regarding the operation of a school building.	3302.12(A)(1)
An obsolete exemption from certain statutory requirements if the district received an "A" grade for the performance indicators performance measurement on the district's most recent state report card.	3302.151(D)(2)
The Governor's Effective and Efficient Schools Recognition Program, which recognized the top 10% of schools based on factors such as student and fiscal performance.	3302.22
An obsolete requirement that the Department establish a process for a school district to transfer from one of sixteen educational regional service systems to another.	3312.02
A requirement that each school district and other public school adopt a resolution addressing college and career readiness and financial literacy in its curriculum for seventh and eighth grade.	3313.6015
A requirement that the Department establish a committee to develop report card models for community schools and for using that committee-developed model for community school report cards.	3314.012
Obsolete standards that trigger the closing of poorly performing community schools.	3314.35
The Telecommunication Education Fund, used to finance technology grants to state-chartered elementary and secondary schools.	3317.50
The Distance Learning Fund, used to finance technology grants to eligible schools to establish distance learning.	3317.51

Provision	Citation (R.C.)
A requirement that the Teacher Quality Partnership conduct a study on the relationship of teacher performance on educator licensure assessments.	3319.234
A grant program for teachers who hold certificates or licenses issued by the National Board of Professional Teaching Standards.	3319.55
A requirement that the Department study and share with school districts promising practices in Ohio and throughout the country for teachers with certain professional licensure.	3319.56
A grant program used by the Department to assist school districts with certain innovations.	3319.57

HISTORY

Action	Date
Introduced	10-03-23
Reported, S. Education	---