



# OHIO LEGISLATIVE SERVICE COMMISSION

## Final Analysis

Mitchell Smith

### Sub. H.B. 477

132nd General Assembly  
(As Passed by the General Assembly)

**Reps.** Koehler, Thompson, Sweeney, Becker, Ingram, Vitale, Hambley, Brenner, Anielski, Blessing, Dean, Dever, Green, Henne, Hoops, Lang, Patton, Reineke, Riedel, Ryan, Scherer, R. Smith

**Sens.** Coley, Hackett, Hoagland, Lehner, Peterson, Terhar

**Effective date:** April 8, 2019

---

## ACT SUMMARY

- Amends or repeals sections in the Revised Code to eliminate various provisions and programs that relate to the Department of Education and the operation of primary and secondary schools.
- Provides civil immunity to school districts, schools, and employees related to decisions not to procure mental health services for a suspended or expelled student.
- Specifies that only paraprofessionals who work in a program supported with federal Title I funds be required to have certain credentials.

---

## CONTENT AND OPERATION

### Repealed and amended provisions

The act eliminates several provisions regarding the Department of Education and the operation of primary and secondary schools.

#### Repealed provisions

Section number	Description
R.C. 3301.073	Required the State Board of Education to furnish technical assistance regarding financial documents to school districts upon request.

<b>Section number</b>	<b>Description</b>
<b>R.C. 3301.0722</b>	Required new or modified forms used by the Department of Education to be reviewed by an education data management unit established by the Department. <sup>1</sup>
<b>R.C. 3301.111</b>	Required the State Board to submit to the Governor and the House and Senate Education Committee chairs a report regarding the Board's efforts to focus on major policy issues and its delegation to the State Superintendent.
<b>R.C. 3301.21</b>	Created the State Action for Education Leadership Fund in the State Treasury.
<b>R.C. 3301.25</b>	Required the Department to distribute videotape copies of the Ohio Veterans Plaza Dedication and a related book to each secondary school in Ohio.
<b>R.C. 3301.86</b>	Created the Classroom Reading Improvement Grants Program. <sup>2</sup>
<b>R.C. 3301.88</b>	Permitted criminal records checks for applicants volunteering for the Classroom Reading Improvement Grants Program. <sup>3</sup>
<b>R.C. 3301.95</b>	Required school districts that received funds under the federal American Recovery and Reinvestment Act of 2009 to distribute equitable amounts to nonpublic schools as provided under federal law.
<b>R.C. 3301.96</b>	Required school districts that received federal Race to the Top grants to maintain a linkage coordinator and engage in other activities for closing the achievement gap and increasing the graduation rate or have a family and civic engagement team for the life of the grant award.
<b>R.C. 3302.037</b>	Required the Department, by December 1, 2016, to conduct a study evaluating the validity and usefulness of using the "similar students measure" to calculate student academic progress for each public school.
<b>R.C. 3302.30</b>	Created the Columbiana County Multitrack High School Curriculum Pilot Project.
<b>R.C. 3311.061</b>	Expressed the General Assembly's intent to authorize urban-suburban school district annexation agreements for territory transfer under R.C. 3311.06, as amended by S.B. 298 of the 116th General Assembly (1986).
<b>R.C. 3313.206</b>	Specified requirements for establishing or maintaining a McGruff safe house. <sup>4</sup>
<b>R.C. 3313.711</b>	Applied provisions regarding student health examinations in R.C. 3313.71 to nonpublic schools. The act maintains the requirement by relocating it to R.C. 3313.71. <sup>5</sup>

<sup>1</sup> Conforming change in R.C. 3301.133.

<sup>2</sup> Conforming change in R.C. 109.57(F)(5).

<sup>3</sup> Conforming change in R.C. 109.57(F)(5).

<sup>4</sup> Conforming change in R.C. 2917.46.



## Amended provisions

Section number	Description
R.C. 3302.26	Requires the Department to place its required performance management section in a prominent location on its public website
R.C. 3313.753	Removes pocket pagers from the list of electronic devices that school districts may prohibit students from carrying at school.

## Civil immunity, decisions not to provide mental health services

The act provides a qualified immunity in a civil action for money damages to a school district or school, the members of the district board or school governing authority, or the district's or school's employees for injury, death, or other loss allegedly arising from not providing mental health services for a suspended or expelled student. The immunity does not apply if the decision is made with malicious purpose, in bad faith, or in a wanton or reckless manner.<sup>6</sup>

Under law enacted earlier in 2018, the school principal, whenever possible, must consult with a mental health professional prior to suspending or expelling a student in any of grades pre-K through 3. If circumstances warrant it, the principal or the mental health professional also must assist with locating providers or obtaining services in any manner that does not impose a financial burden on the district or school.<sup>7</sup>

## Paraprofessional certification

The act specifies that only paraprofessionals who provide academic support in a core subject area and are employed in a program supported with federal Title I funds must be properly certified paraprofessionals. A "properly certified paraprofessional" (1) holds an educational aide permit and (2) either: (a) has an "ESEA qualified" designation on the permit, (b) has completed at least two years of coursework at an accredited institution of higher education, (c) holds an associate degree or higher, or (d) has attained a qualifying score on an academic assessment specified by the Department of Education. The "core subject areas" are reading and English language arts, math, science, social studies, foreign language, and fine arts.<sup>8</sup>

---

<sup>5</sup> Conforming change in R.C. 3313.71.

<sup>6</sup> R.C. 3313.668(C), 3314.146, 3326.271, and 3328.241.

<sup>7</sup> R.C. 3313.668(B)(2).

<sup>8</sup> R.C. 3319.074.



Prior law, enacted earlier in 2018, required that all paraprofessionals of a core subject area be properly certified.

---

## HISTORY

ACTION	DATE
Introduced	01-23-18
Reported, H. Education & Career Readiness	03-21-18
Passed House (93-0)	06-20-18
Reported, S. Education	12-06-18
Passed Senate (32-0)	12-27-18
House concurred in Senate Amendments (85-2)	12-27-18

