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S.B. 306
134th General Assembly

Bill Analysis

Version: Sub. S.B. 306 (I_134_2300-3)

Primary Sponsor: Sen. Brenner

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SUMMARY

- Requires the Superintendent of Public Instruction to establish and administer a program to provide tutoring and remedial education services to students in participating public and chartered nonpublic schools.
- Specifies that a tutor under the program may be either a retired teacher or substitute teacher or an individual who meets eligibility standards adopted by the state Superintendent.
- Requires the Educational Service Center (ESC) of Central Ohio to employ, or engage as volunteers, tutors who participate in the program and, with participating ESCs, coordinate placement of tutors in participating schools.
- Requires 16 regional ESCs selected under the bill, in conjunction with the ESC of Central Ohio, to administer the training program for tutors in their regions.
- States that the ESC of Central Ohio is responsible for compensating the tutors.
- Specifically permits a participating school to transfer funds to the ESC of Central Ohio.
- Requires participating schools to provide necessary materials, space, and equipment for tutors and further requires schools to pay their costs for participating in the program.
- Requires the Department of Education to serve as a fiscal agent for the program, to provide for administrative, implementation, and training costs, to provide technical assistance to the ESC of Central Ohio, and to issue prescribed reports.
- Earmarks an appropriation.
- Declares an emergency.

DETAILED ANALYSIS

Tutoring and remedial education program

The bill requires the Superintendent of Public Instruction to establish a program to provide tutoring and remedial education services to students in participating public and chartered nonpublic schools. Tutors placed in schools must provide those services in math, science, social studies, reading, and English language arts. The state Superintendent must administer the program with assistance from participating educational service centers (ESCs) and in consultation with each participating school.

The tutors are not, however, employees of the state Superintendent or the schools in which they provide services. Rather, each tutor is either an employee of, or a volunteer engaged by, the Educational Service Center of Central Ohio. In addition to that responsibility, the ESC of Central Ohio acts as a coordinating body for the program. It is authorized to coordinate the placement of tutors with 16 regional ESCs selected under the bill (see below) and with other ESCs.¹

Tutors

Eligibility and application

An individual qualifies to be a tutor under the program in one of two ways. First, a tutor may be a retired teacher or substitute teacher, regardless of whether the teacher still holds a valid educator license, as long as the teacher has not had an educator license denied, suspended, or revoked by the State Board of Education or entered into a consent agreement with the State Board regarding a disciplinary issue.

Second, an individual may qualify as a tutor if a participating ESC determines that individual meets eligibility standards adopted by the state Superintendent. The bill requires the state Superintendent to adopt those standards within 60 days after the bill's effective date.

The bill requires individuals who wish to participate as tutors in the program to submit an application to the Department of Education. The state Superintendent must establish application procedures within 60 days after the bill's effective date.²

Registration

Under the bill, the ESC of Central Ohio must require tutors to receive a registration from the Department. As a condition of registration, an individual must submit to a criminal records check. The Department also must enroll the individual in the retained applicant fingerprint database (RAPBACK) in the same manner as a teacher who receives an educator license. In addition, the Department must reimburse tutors for their registration costs, including the criminal records check and RAPBACK enrollment. (RAPBACK is a database of fingerprints of

¹ R.C. 3301.28(A), (B), and (C).

² R.C. 3301.28(A) and (C)(1).

individuals on whom Ohio Bureau of Criminal Identification and Investigation has conducted criminal records checks for the purpose of determining eligibility for employment with or licensure by a public office. Through it, an office like the Department of Education will receive reports of subsequent arrests or convictions of registrants.)³

The Department cannot accept the application of any individual if it learns that individual has pleaded guilty to, been found guilty of, or been convicted of any of the offenses prescribed under continuing law that precludes employment in K-12 schools. Additionally, if the Department receives notification through RAPBACK of the arrest or conviction of an individual registered as a tutor, it must notify the ESC of Central Ohio. The bill also permits the Department to take any disciplinary action authorized under law against the individual as if the individual were a licensed educator.⁴

Training

The bill requires the ESC of Central Ohio, in consultation with the state Superintendent, to create a training course for tutors who do not have a valid educator license. The ESC of Central Ohio and the state Superintendent also may establish additional training requirements for tutors who provide services to students with special needs or students with an individualized education program (IEP). Furthermore, the ESC of Central Ohio and the state Superintendent may continue to provide training to tutors after their placement in schools.⁵

Compensation

The bill prohibits the Department from compensating the tutors and, instead, expressly states that the ESC of Central Ohio is responsible for compensating the tutors it employs under the program. However, it also permits a participating school to transfer funds to the ESC of Central Ohio to assist the ESC in making payments, or paying the costs of other benefits, to the tutors placed in that school. The bill requires the state Superintendent, in consultation with the Chancellor of Higher Education, to create a list of benefits.⁶

Participating schools

The bill requires public and chartered nonpublic schools that wish to participate in the program to notify the state Superintendent of their intention to do so. The bill reserves to participating schools the ultimate authority over how to incorporate tutors into the school setting, but also requires such determinations to be made in cooperation with an ESC.

The bill authorizes program activities to take place before, during, or after school, as well as on breaks from school such as weekends, holidays, or summer vacation. It further

³ See R.C. 109.5721, not in the bill.

⁴ R.C. 3301.28(C)(6).

⁵ R.C. 3301.28(C)(2).

⁶ R.C. 3301.28(A) and (C)(3) and (7).

permits activities to take place on an online platform or in person, including on school premises or in another public location that the school and ESC determine appropriate.

Under the bill, a participating school must provide necessary materials, space, and equipment for tutors placed in the school. It also must use its own funds to pay for costs incurred from participating in the program.

Finally, the bill expressly states that participation in the program by public and chartered nonpublic schools is voluntary. It also states that nothing in the provision prohibits a public or chartered nonpublic school from contracting or partnering with another entity to provide tutoring services to the school's students.⁷

Other educational service centers

In addition to the ESC of Central Ohio, the bill prescribes responsibilities for other ESCs. Specifically, the ESCs in each of the 16 regions of the Educational Regional Service System must select one ESC in the region to administer the training program for tutors, in conjunction with the ESC of Central Ohio. The ESC selected for each region may cooperate with other ESCs in the region to implement that training program. Also, each ESC must coordinate the placement of tutors at participating schools within its service territory.⁸

Department of Education responsibilities

The bill requires the Department to serve as fiscal agent for the program, including providing for administrative and implementation costs, as well as costs for developing the training course for tutors. Additionally, the Department must provide technical assistance at the request of the ESC of Central Ohio.⁹

Reports

The Department must review the program's effectiveness at the end of each of the 2022-2023, 2023-2024, and 2024-2025 school years. Based on each review, the Department must issue a report with its findings. The report must include the number of participating schools, tutors, and students, as well as whether tutoring in a particular school was provided on an online platform or in person. The reports must be submitted to the General Assembly by August 31 of the school year immediately following the year for which the report is issued.¹⁰

Earmark

The bill earmarks up to \$2,000,000 of Federal Coronavirus School Relief funds in FY 2022 to the Department of Education to pay its costs associated with the tutoring and remedial education program.

⁷ R.C. 3301.28(C)(7) and (E).

⁸ R.C. 3301.28(C)(4) and (5).

⁹ R.C. 3301.28(C)(3).

¹⁰ R.C. 3301.28(D).

HISTORY

Action	Date
Introduced	03-01-22
