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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**S.B. 306**  
**134<sup>th</sup> General Assembly**

## **Fiscal Note & Local Impact Statement**

[Click here for S.B. 306's Bill Analysis](#)

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

**Primary Sponsor:** Sen. Brenner

**Local Impact Statement Procedure Required:** No

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### **Highlights**

- The bill appropriates \$2.4 million in federal American Rescue Plan Act (ARPA) state activity funds for emergency needs to pay administrative, implementation, background check, and certain training-related costs, among others, that the Ohio Department of Education (ODE) and participating educational service centers (ESCs) will incur for the tutoring and remedial education services program the bill establishes.
- The ESC of Central Ohio (acting as a coordinating body), other ESCs, and public schools that opt to participate may incur costs to carry out the program. Program costs will depend on implementation decisions made by these entities. Notably, tutors may be paid, receive other benefits, or serve as a volunteer, but will be employed or engaged as a volunteer by the ESC of Central Ohio. A participating school must transfer funds to the ESC of Central Ohio to help compensate tutors placed in that school.
- The bill may increase ODE administrative costs paid from the State Board of Education Licensure Fund (Fund 4L20) to process tutor registration applications. The bill prohibits ODE from charging a registration fee to participating tutors. The cost of performing the Bureau of Criminal Investigation's background check activities and services, funded through the General Reimbursement Fund (Fund 1060), may increase by some amount but will be more or less offset by fee revenue.
- The bill requires ODE to reimburse the ESC of Central Ohio for the costs of the background checks it pays for tutors and to enroll the tutor in the Retained Applicant Fingerprint Database (RAPBACK). The bill pays for these costs with a portion of the \$2.4 million appropriated for the program.

# Detailed Analysis

## Overview

The bill requires the Superintendent of Public Instruction to establish a program that provides tutoring and remedial education services to students in public and chartered nonpublic schools. School participation in the program is voluntary. The program will use retired teachers, substitute teachers, and other individuals determined to be eligible to provide tutoring services in reading and English language arts, mathematics, science, and social studies. The program will be implemented and administered by the Ohio Department of Education (ODE), with assistance from educational service centers (ESCs) and in consultation with the participating schools. The bill designates the ESC of Central Ohio as the “coordinating service center.” Under this arrangement, the ESC will receive and evaluate applications from tutors wishing to participate, employ, or engage as volunteers the tutors that will help carry out the program, create a training course for tutors, and may coordinate the placement of tutors with other ESCs.

The bill pays for certain program costs by (1) appropriating \$2.4 million in federal American Rescue Plan Act (ARPA) state activity funds for emergency needs from Federal Fund 3HS0 line item 200640, Federal Coronavirus School Relief, for the bill’s program and (2) reappropriating the unused balance of these funds at the end of FY 2022 for the same purposes in FY 2023.

## Ohio Department of Education

### Program administration

The bill increases ODE’s administrative costs to implement and administer the program but appropriates the federal funding described above to pay such costs in FY 2022 or FY 2023. ODE’s responsibilities include:

- Establishing standards for determining the eligibility of tutors who are not retired or substitute teachers;
- Consulting with the ESC of Central Ohio to create a training course for tutors who do not hold a valid educator credential;
- Creating a list of benefits that a participating tutor may receive;
- Providing technical assistance at the request of the ESC of Central Ohio;
- Serving as fiscal agent for the program;
- Reviewing the effectiveness of the program at the end of the 2022-2023, 2023-2024, and 2024-2025 school years and reporting findings and certain program metrics to the General Assembly no later than September 30 of the school year immediately following the year for which the report is issued.

The bill’s appropriation of federal ARPA state activity funds will be used to provide for the program’s administrative and implementation costs, to develop the tutor training course, and provide technical assistance, among other uses. The bill prohibits ODE from compensating tutors under the program.

## **Tutor registration**

The bill requires a tutor wishing to participate in the program to register with ODE (after applying to the ESC of Central Ohio), undergo a background check, and be enrolled in the Retained Applicant Fingerprint Database (RAPBACK) continuous criminal record monitoring service.<sup>1</sup> These requirements are similar to those required of an applicant for a teacher license. The bill, therefore, may increase ODE administrative costs from the State Board of Educator Licensure Fund (Fund 4L20) to process tutor registration applications. ODE may also pay more in fees for RAPBACK. However, tutors wishing to participate will not pay any out-of-pocket costs. The bill prohibits ODE from charging a registration fee to tutors wishing to participate in the program and requires the tutors to request the background checks through the ESC of Central Ohio and submit results to ODE. ODE will reimburse the ESC for the background checks and pay for RAPBACK enrollment using the bill's appropriation.

The bill makes tutors participating in the program members of the State Teachers Retirement System (STRS), instead of School Employees Retirement System (SERS). This provision has no direct fiscal effect on the state or political subdivisions. It does not change the employer contribution rate for STRS or SERS.

## **Background checks**

An applicant for a registration under the bill will need to have current state and federal background checks on file with ODE. According to ODE, background checks can be no older than one year at the time ODE issues a credential. Background checks filed with ODE are valid for up to five years. The bill may affect the workload of the Attorney General's Bureau of Criminal Investigations (BCI) if the number of background checks requested increases. Any associated increase in BCI's annual operating expenses will be more or less offset by the fees charged to conduct a check. BCI performs a state-only background check by comparing the individual's fingerprints against a database of criminal fingerprints to determine if there is a criminal record. BCI also administers federal background checks through the Federal Bureau of Investigation (FBI), which uses a national database to search for records of criminal history. The base fees of the state-only check and FBI background check are \$22 and \$25.25, respectively. All of the fees are credited to the General Reimbursement Fund (Fund 1060),<sup>2</sup> with \$23.25 of the FBI background check fee subsequently disbursed to the FBI. As noted above, ODE will reimburse a tutor's cost for a background check to participate in the program.

## **Educational service centers and public schools**

The bill may increase costs for the ESC of Central Ohio, other ESCs, and participating public schools to carry out the program. Program costs will depend on implementation decisions made

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<sup>1</sup> RAPBACK provides participating entities notice that an individual they have enrolled in the database has been arrested or convicted of a criminal offense. The Attorney General's (AGO) Bureau of Criminal Investigation charges participating agencies an initial fee for each individual entered in RAPBACK and an ongoing annual fee per individual, both of which are \$5. ODE pays the fees from Fund 4L20. Upon receipt, AGO deposits RAPBACK fees into the General Reimbursement Fund (Fund 1060).

<sup>2</sup> The Attorney General uses the money credited to Fund 1060 to pay for operating expenses incurred in the provision of law enforcement services, legal representation, and overall office administration.

by these entities. For example, a tutor providing services under the program may be paid, receive other benefits, or serve as a volunteer. However, the tutors must be employed or engaged as a volunteer by the ESC of Central Ohio, rather than the school in which a tutor provides services. Some or all of the ESC of Central Ohio's tutor compensation costs will be offset by the participating schools, as the bill requires a participating school to transfer funds to the ESC of Central Ohio to help the ESC in making payments, or paying the costs of other benefits, to the tutors placed in that school.

In addition, the ESC of Central Ohio will act as a coordinating body for the program. The bill authorizes it to coordinate the placement of tutors with 16 regional ESCs and with other ESCs. The ESCs in each of the 16 regions may 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. The bill's appropriation of federal ARPA state activity funds may be used to pay incidental costs of training opportunities conducted by ESCs if funds are available after the other funded program costs are supported and in a manner determined by ODE. Also, each ESC may coordinate the placement of tutors at participating schools within its service territory.

Public schools that choose to participate in this program also may incur costs to provide the necessary materials, space, and equipment for the tutors placed in the school. Participating schools must use their own funds to pay any costs incurred from participating in the program. In addition, administrative costs for participating public schools and ESCs may increase to report program data to ODE for purposes of the Department's required review of the effectiveness of the program.