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# OHIO LEGISLATIVE SERVICE COMMISSION

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Office

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

## Bill Analysis

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

**Primary Sponsor:** Sen. Brenner

Dylan McDonough, Attorney

### 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 established by the state Superintendent.
- Requires the Educational Service Center (ESC) of Central Ohio as the “Coordinating Service Center” to employ, or engage as volunteers, tutors who participate in the program and, with participating ESCs, coordinate placement of tutors in participating schools.
- Places an employed tutor registered under the bill in the State Teachers Retirement System and excludes such a tutor from the School Employees Retirement System.
- 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 Coordinating Service Center, and to issue prescribed reports.
- Makes an appropriation.

### 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 an unpaid volunteer engaged by, the Educational Service Center of Central Ohio (Coordinating Service Center). In addition to that responsibility, the Coordinating Service Center 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.<sup>1</sup>

## **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 the Coordinating Service Center 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 Coordinating Service Center. The Coordinating Service Center must establish application procedures within 60 days after the bill's effective date.<sup>2</sup>

### **Registration**

Under the bill, the Coordinating Service Center must require tutors to receive a registration from the Department. As a condition of registration, an individual must submit to a criminal records check through the Coordinating Service Center. The Department 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 the Coordinating Service Center for any costs associated with registration, including the cost of the criminal records check. The bill expressly prohibits the Department from charging individuals any fee for registering to be a tutor in the program.<sup>3</sup>

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

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<sup>1</sup> R.C. 3301.28(A), (B), and (C).

<sup>2</sup> R.C. 3301.28(A), (B)(1) and (2), and (C)(1).

<sup>3</sup> R.C. 3301.28(C)(3) and (6).

Department receives notification through RAPBACK of the arrest or conviction of an individual registered as a tutor, it must notify the Coordinating Service Center. 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.<sup>4</sup>

### **Training**

The bill requires the Coordinating Service Center, in consultation with the state Superintendent, to create a training course for tutors who do not have a valid educator license. The Coordinating Service Center 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 Coordinating Service Center and the state Superintendent may continue to provide training to tutors after their placement in schools.<sup>5</sup>

### **Compensation**

The bill prohibits the Department from compensating the tutors and, instead, expressly states that the Coordinating Service Center is responsible for compensating the tutors it employs under the program. However, it also permits a participating school to transfer funds to the Coordinating Service Center to assist the Coordinating Service Center 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.<sup>6</sup>

### **State Teachers Retirement System membership**

The bill includes as a “teacher,” for State Teachers Retirement System (STRS) membership purposes, a tutor employed by the Coordinating Service Center who holds a registration issued by the Department under the bill. Conversely, the bill excludes that tutor from School Employees Retirement System (SERS) membership. Under continuing law, STRS membership generally includes a teacher or other school employee who is required to hold a license or registration issued under the law governing superintendents, teachers, and employees for that position (the registration under the bill is part of a different law). SERS membership generally includes nonteaching and other school employees who are not required to hold a license or registration for the position.<sup>7</sup>

As noted above, a retired teacher is eligible under the bill to be employed as a tutor by the Coordinating Service Center. Under continuing law, a teacher who has retired under STRS may be re-employed as a “teacher” for STRS purposes but is not considered an STRS member

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<sup>4</sup> R.C. 3301.28(C)(6).

<sup>5</sup> R.C. 3301.28(C)(2).

<sup>6</sup> R.C. 3301.28(A) and (C)(3) and (7).

<sup>7</sup> R.C. 3307.01 and 3309.01.

for purposes of earning service credit toward a retirement or other benefit. Instead, a re-employed teacher continues to contribute to STRS and, on separation from employment, receives a refund of contributions, lump sum payment, or annuity benefit.<sup>8</sup>

### **Participating schools**

The bill requires public and chartered nonpublic schools that wish to participate in the program to notify the Coordinating Service Center 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 permits activities to take place on an online platform or in person, including on school premises, at a community-based youth development organization, or in another public location that the school and ESC determine appropriate.

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 a public or chartered nonpublic school is not prohibited from contracting or partnering with another entity to provide tutoring services to the school's students.<sup>9</sup>

### **Other educational service centers**

In addition to the Coordinating Service Center, 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 Coordinating Service Center. 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.<sup>10</sup>

### **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 Coordinating Service Center.<sup>11</sup>

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<sup>8</sup> R.C. 3307.35 and 3307.352, not in the bill.

<sup>9</sup> R.C. 3301.28(C)(7) and (E).

<sup>10</sup> R.C. 3301.28(C)(4) and (5).

<sup>11</sup> R.C. 3301.28(C)(3).

## 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 September 30 of the school year immediately following the year for which the report is issued.<sup>12</sup>

## Appropriation

The bill appropriates up to \$2,415,201 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.<sup>13</sup>

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## HISTORY

Action	Date
Introduced	03-01-22
Reported, S. Primary & Secondary Education	05-25-22

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ANSB0306RS-134/ts

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<sup>12</sup> R.C. 3301.28(D).

<sup>13</sup> Section 9.