



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 554
134th General Assembly

Final Analysis

[Click here for H.B. 554's Fiscal Note](#)

Primary Sponsors: Reps. Lightbody and Bird

Effective date: April 6, 2023; state university logo use policy effective September 1, 2023

Mike Niemi, Research Analyst

SUMMARY

Temporary educator licenses

- Requires the State Board of Education to issue nonrenewable, two-year temporary educator licenses to individuals with expired professional teacher's certificates or professional educator licenses.
- Requires the State Board to issue professional educator licenses to those temporary license holders who complete specified continuing education coursework.

Educator Standards Board

- Requires the Chancellor of Higher Education to appoint to the Educator Standards Board (ESB) one representative each from the State University Education Deans and the Ohio Association of Private Colleges for Teacher Education, instead of an employee of a college of education and a college of arts and sciences as under prior law.
- Eliminates the ESB subcommittees on higher education and the standards for teacher preparation.

Developmentally delayed children

- Extends the upper age limit for a developmentally delayed child to be identified as a "child with a disability" from six to ten years old.
- Includes all children identified as "developmentally delayed" into Category 2 of the special education funding formula for school districts and other public schools, instead of only preschool children with developmental delays as under prior law.
- Requires that developmentally delayed children attending preschool as of April 6, 2023, who turn six years old on or before June 30, 2023, be permitted to remain in preschool and continue to be identified as having a developmental delay through June 30, 2023.

State university logos

- Permits state universities to develop policies regulating the use of the university's logos by registered student organizations for activities, materials, publications, or websites not otherwise sanctioned by the university.

Children of military families' participation in CCP

- Requires any secondary school or college participating in the College Credit Plus Program (CCP) to permit a student from a military family, who must withdraw due to a change of station order out-of-state, to either complete CCP coursework or withdraw without academic or financial penalty.

Autism scholarship providers – behavior analysts

- Removes registered behavior technicians and certified behavioral analysts who are under supervision or in training status from the list of individuals who may provide intervention services under the Autism Scholarship Program.

STEM school facilities

- Requires a STEM school and the Facilities Construction Commission, when the Commission approves a specified increase in the cost of a classroom facilities construction project, to share that cost in proportion to their contributions to the school's project construction fund.

High school graduation requirements

- Qualifies for a high school diploma any student who attends a chartered nonpublic school that only administers the ACT or SAT if the student earns a remediation-free score in English, math, and reading on the ACT or SAT and completes the school's curriculum.
- Requires the Department of Education to prescribe standards to allow transfer students to use their pretransfer scores for specified assessments to meet the high school graduation requirements at their new school.

Community schools

FTE reporting based on credits earned

- Authorizes certain community schools to report their student enrollment to the Department on a full-time equivalent basis based partially on credits earned for the 2022-2023 school year.
- Permits those community schools to report attendance to the Department consistent with the attendance policy approved by their governing authorities.

Multiple community school facility locations

- Permits multiple community school facilities to be located in counties adjacent to the county in which the school's primary facility is located.

DETAILED ANALYSIS

Temporary educator licenses

The act requires the State Board of Education to issue a nonrenewable, two-year temporary educator license to an individual with an expired professional teacher's certificate or a professional educator license. To qualify, an individual cannot have any disciplinary sanctions on the expired certificate or license. A temporary license is valid for teaching in the same subject areas and grades as the expired certificate or license, including any endorsements to that expired certificate or license.

Prior to providing instruction, a temporary license holder must complete any training required by the employing school district or school.¹

Conversion to a professional educator license

The act requires the State Board to issue a professional educator license with any applicable endorsements to an individual who, while holding the temporary license, completes either 18 continuing education units or 6 semester hours of coursework in the area of licensure or in an area related to the teaching field. The professional educator license and any endorsements are valid for teaching in the same subject areas and grades as the individual's expired certificate or license.²

Educator Standards Board

Chancellor's appointees

Under law unchanged by the act, the Chancellor of Higher Education makes three appointments to the Educator Standards Board (ESB). The Chancellor's appointees must include an employee of each of the following: a private nonprofit college or university, a state university or a university branch, and a community, state community, or technical college.

The act eliminates an additional requirement that, of the appointees from a state university or university branch and a private, nonprofit college or university, one must be employed in a college of education and the other must be employed in a college of arts and sciences. Instead, the act requires that one of those two appointees be a representative of the Ohio Association of Private Colleges for Teacher Education and the other be a representative of the State University Education Deans of Ohio. The Chancellor must appoint representatives of those organizations by June 5, 2023 for two-year terms beginning July 1, 2023.³

The terms the current members employed in a college or education and a college of arts and sciences end on June 30, 2023.

¹ R.C. 3319.222(G)(1) and (2).

² R.C. 3319.222(G)(3).

³ R.C. 3319.60(A)(2).

Subcommittees

The act eliminates the requirement that the ESB maintain a standing subcommittee on higher education. It also eliminates the ESB's standing subcommittee on the standards for teacher preparation.⁴

Developmentally delayed children

Definition of a “child with a disability”

The act extends the upper age limit for a developmentally delayed child to be identified under state law as a “child with a disability” from six to ten years of age. Thus, under the act, children ages three through nine may be identified as developmentally delayed and thereby qualify for special education funding.⁵

Federal law permits a state and a local education agency (LEA) to include children who are three through nine years old and experiencing developmental delays in the definition of “child with a disability.” However, that law also expressly permits a state and an LEA to limit the age range to a subset within it, including limiting it only to children who are three through five years old.⁶ An LEA is a school district or other public school.

Special education funding

The act includes all students identified as having a developmental delay, rather than only preschool students, in Category 2 special education funding.⁷

Under continuing law, special education funding is divided into six categories. Each category is assigned its own weight coefficient, or multiple. That multiple is used to calculate the additional funding paid to a school district or other public school for each identified student with a disability receiving special education and related services. A higher multiple corresponds with more funding per student to account for an assumed higher cost of providing services. Under the school funding formula in place for FYs 2022 and 2023, it is multiplied by “statewide average base cost per pupil” (\$7,352 for FY 2022), and in the case of a school district further multiplied by its “state share percentage.”⁸ In addition, the special education funding is subject to the phase-in percentage prescribed by the school funding formula (16.67% for FY 2022 and 33.33% for FY 2023).⁹

The categories and their multiples are the following:

⁴ R.C. 3319.60(D); R.C. 3319.613, repealed.

⁵ R.C. 3323.01.

⁶ 20 United States Code (U.S.C.) 1401(3).

⁷ R.C. 3317.013(B).

⁸ R.C. 3317.022 and 3317.16, neither in the act.

⁹ Section 265.215 of H.B. 110 of the 134th General Assembly.

1. Students with only a speech and language disability, 0.2435;
2. Any students with a specific learning disability, a developmental disability, or other health impairment-minor and preschool students with a developmental delay, 0.6179;
3. Students with a hearing disability or a severe behavioral disability, 1.4845;
4. Students with a vision impairment or other major health impairment-major, 1.9812;
5. Students with an orthopedic disability or multiple disabilities, 2.6830;
6. Students with autism, a traumatic brain injury, or both vision and hearing impairment, 3.9554.¹⁰

Preschoolers with developmental delays who turn six

The act requires that children attending preschool as of April, 6, 2023, who are identified as having a developmental delay and turn six years old on or before June 30, 2023, be permitted to remain in preschool and continue to be identified as having a developmental delay through June 30, 2023.¹¹

State university logos

Effective September 1, 2023, the act authorizes a state university to develop a policy to permit a registered student organization to use the university's master and subsidiary logos for any activities, materials, publications, or websites that are not otherwise sanctioned by the university. Further, the act prohibits a registered student organization from using the university's logos for the unsanctioned purposes unless the university has adopted a policy and the organization's use is compliant with it. The policy must be available to the public.¹²

Policy requirements

Approval procedure

A policy adopted by a state university must define "student organization" and establish a procedure for approval and disapproval of requests to use university logos. An employee must approve or disapprove a request based on standards prescribed in the policy.

The standards must prohibit the use of a logo to indicate the university's approval or disapproval of any political or social issue supported by the organization. The standards also must require a student organization to affirm that it will not violate that prohibition.

¹⁰ R.C. 3317.013 and 3323.01.

¹¹ Section 4.

¹² R.C. 3345.141(A) and (B) and Section 6.

The employee must indicate on the request form whether the request is approved or disapproved and include the employee's printed name, signature, and the date the request was approved or disapproved.¹³

Disclaimer requirement

A student organization that is approved to use a logo must include a disclaimer on any website or printed or digital material that uses the university's logo and is not otherwise sponsored by the university. The disclaimer must state that (1) the student organization is registered with the state university and (2) registration must not be construed as the state university's approval, endorsement, or sponsorship of the student organization's publications activities, purposes, actions, or positions.¹⁴

Grievance procedure

The policy must also include a grievance procedure for when a logo request is disapproved or a student organization is improperly using a logo. The employee who determines the outcome of a grievance must produce a report including a description of the grievance and its resolution, the employee's printed name and signature, and date the report was signed. If determined appropriate by the board of trustees, the policy may establish penalties for a student organization that improperly uses the university's logos.

Each month, each state university that adopts a policy must enter into a depository on the university's public website a copy of each approved or disapproved request form and each grievance report produced in that month. Each form and report is a public record and must be maintained in the depository for at least five years.¹⁵

Miscellaneous

A state university must provide information regarding its policy in any annual training it provides to student organization leaders. If determined appropriate by the board of trustees, the university must designate an office or department to perform the duties prescribed for university employees under the policy and authorize an employee assigned to that office or department to perform those duties.¹⁶

Exclusions

A policy adopted under the act's provisions does not apply to:

1. Continuing law regarding the use of name, image, and likeness by collegiate student athletes;
2. Any commercial revenue generating opportunity sanctioned by a state university; or

¹³ R.C. 3345.141(C)(1) to (3).

¹⁴ R.C. 3345.141(C)(4).

¹⁵ R.C. 3345.141(C)(5) to (8).

¹⁶ R.C. 3345.141(C)(9) and (10).

3. A student organization that operates on a campus on which a state university is co-located with another institution of higher education.¹⁷

Children of military families' participation in CCP

The act addresses how secondary schools and colleges participating in the College Credit Plus Program (CCP) must treat a student from a military family who withdraws from school to transition out-of-state from one military installation to another because of a permanent change of station order. The school or college must permit that student to either:

1. Complete participation in a CCP course for the duration of the semester in an online format, if possible;
2. Withdraw from the CCP course without academic or financial penalty.¹⁸

Autism scholarship providers – behavior analysts

The act removes “registered behavior technician” and “certified Ohio behavior analyst” from the list of individuals who, while employed by and under the supervision of a licensed psychologist or school psychologist, may provide intervention services under the Autism Scholarship Program. However, it maintains that psychology trainees, psychology assistants, psychology interns, and any other person that is clearly supervised or in training may provide those services. Continuing law also permits a certified behavioral analyst (that is not under supervision or in training status) to provide those services.¹⁹

STEM school facilities

Continuing law requires the Facilities Construction Commission to financially assist qualifying STEM schools in constructing, reconstructing, repairing, or making additions to classroom facilities. Only STEM schools that are not directly governed by a school district board of education may receive that assistance.

The act addresses how a STEM school and the Commission share an increase in a project’s cost that occurs after they enter into a written project agreement. Specifically, if the Commission approves an increase in the basic project cost above the amount budgeted, plus any interest earned and available in the school’s project construction fund, the state and school must share the increased cost in proportion to their respective contributions to that fund.²⁰

High school graduation requirements

The act revises the high school graduation requirements for a public or chartered nonpublic school student who enters ninth grade for the first time on and after July 1, 2019 (the

¹⁷ R.C. 3345.141(D).

¹⁸ R.C. 3365.036.

¹⁹ R.C. 3310.41

²⁰ R.C. 3318.70.

Class of 2023 and on). Generally, a student qualifies for a high school diploma by completing the school's curriculum, demonstrating competency on the Algebra I and English language arts II end-of-course exams, and earning at least two state diploma seals.²¹ However, continuing law permits chartered nonpublic schools to meet state testing requirements for high school students in several different ways. One of those ways is to administer only a nationally standardized assessment (ACT or SAT) to students and not the end-of-course exams.²²

Chartered nonpublic schools

The act establishes a separate pathway to qualify for a high school diploma for students attending chartered nonpublic schools that only administer the ACT or SAT. Those students may qualify for a diploma by completing their school's curriculum and earning a remediation-free score on the ACT or SAT in English, math, and reading. They are not required to take the Algebra I or English language arts II end-of-course exams or earn diploma seals to graduate.²³

Under prior law, students who only take the ACT or SAT were not required to demonstrate competency on the end-of-course exams if they earn a remediation-free score in English, math, and reading on the ACT or SAT. They still needed to earn diploma seals and complete their school's curriculum.²⁴

Transfer students

The act requires the Department of Education to prescribe standards that allow a transfer student who, prior to transferring, took the ACT or SAT, an end-of-course exam, or an approved alternative assessment to apply the student's score toward graduation requirements at the student's new public or chartered nonpublic school.²⁵ As a result, transfer students would not need to retake an exam or assessment when they transfer schools.

Community schools

FTE reporting option based on credits earned

Enrollment report

The act permits a qualifying community school to elect to report its number of enrolled students to the Department of Education on a full-time equivalent basis for the 2022-2023 school year using the lesser of:

1. The maximum full-time equivalency for the portion of the school year for which a student is enrolled in the school; or

²¹ See R.C. 3313.618(B).

²² R.C. 3301.0711(L)(3)(a)(ii) and 3301.0712(B), neither in the act.

²³ R.C. 3313.618(D).

²⁴ R.C. 3313.618(B), (C), and (D).

²⁵ R.C. 3313.618(C)(2).

2. The sum of 1/6 of the full-time equivalency based on attendance for the portion of the school year for which a student is enrolled and 1/6 the full-time equivalency for each credit of instruction earned during the enrollment period, up to five credits.²⁶

Qualifying schools

The act qualifies a community school described in Section 16 of H.B. 583 of the 134th General Assembly and any other community school that is operated by a management company that operates a community school subject to the enrollment reporting under the act.²⁷ That section applied to Buckeye Community School at London and Buckeye Community School at Marion, both of which are operated by the New Leaf Organization. The New Leaf Organization also operates the Buckeye Community School, which is located in Mansfield.

For further discussion on Section 16, see the [Fiscal Note for H.B. 583, As Enrolled \(PDF\)](#), which is also available at legislature.ohio.gov. Information about individual community schools and their operators may be found at the [Directory of Community Schools, Sponsors, and Operators](#) on the Department's website, which is available at education.ohio.gov.

Department review

The Department must complete a review of each community school that chooses to report the full-time equivalency of students under the act. If the Department's review determines a school has been overpaid, the act requires the school to repay the overpaid funds. The Department also may require the school to establish a plan to improve its enrollment reporting.²⁸

Attendance policy

For purposes of reporting attendance and meeting minimum school year requirements prescribed under continuing law, the act permits a community school affected by the provision to report attendance to the Department consistent with the attendance policy approved by the school's governing authority.²⁹

Multiple community school facility locations

Generally, a community school may be established in only one school district under the same sponsorship contract. However, several exceptions exist. One exception permits a community school to be located in multiple facilities in the same county if it is either sponsored by a school district having territory in that county or managed by an operator. The act expands

²⁶ Section 5(B).

²⁷ Section 5(A).

²⁸ Section 5(C).

²⁹ Section 5(D).

that exception to permit facilities in counties adjacent to the county in which the school's primary facility is located.³⁰

HISTORY

Action	Date
Introduced	02-01-22
Reported, H. Primary & Secondary Education	05-18-22
Passed House (95-0)	05-25-22
Reported, S. Primary & Secondary Education	12-14-22
Passed Senate (31-0)	12-14-22
House concurred in Senate amendments (80-0)	12-14-22

22-ANHB0554EN-134/tl

³⁰ R.C. 3314.05(B)(4).