



# OHIO LEGISLATIVE SERVICE COMMISSION

## Final Analysis

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and other LSC staff

### Sub. H.B. 98

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

- Reps.** Duffey and Boggs, Miller, Bishoff, Dever, Dean, West, Seitz, Zeltwanger, Hood, Young, Stein, Lepore-Hagan, Romanchuk, Brenner, Anielski, Antani, Antonio, Arndt, Ashford, Barnes, Blessing, Boccieri, Boyd, Brown, Butler, Carfagna, Celebrezze, Cera, Clyde, Craig, Cupp, Edwards, Fedor, Galonski, Gavarone, Ginter, Gonzales, Green, Greenspan, Hagan, Hambley, Hill, Holmes, Householder, Howse, Hughes, Ingram, Keller, Kelly, Kick, Landis, Lang, Leland, Lipps, Manning, O'Brien, Patterson, Patton, Pelanda, Perales, Ramos, Reece, Reineke, Retherford, Rezabek, Roegner, Rogers, Ryan, Schuring, Sheehy, R. Smith, Sprague, Strahorn, Sweeney, Sykes
- Sens.** Gardner, Beagle, Brown, Eklund, Hackett, Huffman, Kunze, LaRose, Lehner, Manning, O'Brien, Oelslager, Schiavoni, Sykes, Tavares, Terhar, Thomas, Uecker, Yuko

**Effective date:** June 29, 2018

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## ACT SUMMARY

### Presentation of career information

- Prohibits school districts from imposing restrictions on the presentation of career information to students by representatives of skilled trades or career-technical education that are not uniformly imposed on representatives of other employers and institutions.
- Requires at least two opportunities per school year to present information to high school students individually or in a group setting.
- Permits school districts to develop an application process for entities that wish to access school property to present information to students.

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\* This version updates the effective date.

## **Career-technical educator licenses**

- Replaces the professional career-technical teacher license with a two-year initial and a five-year advanced career-technical workforce development educator license and prescribes the criteria for both new licenses.
- Specifies that educators under either of the new licenses are not required to have a bachelor's degree but must have a high school diploma.
- Allows individuals holding a professional career-technical teaching license issued under former law to continue to renew their licenses for the remainder of their teaching careers.

## **Employment of career-technical educators**

- Permits a school district treasurer to pay a career-technical education teacher who does not have a bachelor's degree during the initial employment period prior to licensure.

## **Ohio College Opportunity Grants**

- Changes the statutory formula for calculating Ohio College Opportunity Grant (OCOG) awards to reflect actual practice of basing awards on sector averages.

## **Payment for school district with nuclear plant in its territory**

- For each of FYs 2019, 2020, and 2021, requires the Department of Education to make an additional payment to a school district with (1) a nuclear power plant in its territory and (2) a total taxable value of public utility personal property for tax year 2017 that is at least 50% less than that value for tax year 2016.
- Modifies FY 2019 earmarked appropriations for those payments.

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## **CONTENT AND OPERATION**

### **Presentation of career information to students**

School districts are prohibited under pre-existing law from imposing any restriction on the presentation of career information to students that is not uniformly imposed on representatives of the Armed Forces, business, industry, charitable institutions, other employers, and institutions of higher education. The act adds representatives of skilled trades or providers of career-technical education to the list of those who must be given uniform access to students for career information purposes.

The act also states that a district board may not prohibit the presentation of information or recruitment of students for employment, employment training, or education on the district's campus. Additionally, it states that a district must provide equal access to any of its employment or placement services for all of the entities described above.<sup>1</sup>

### **In-person opportunities to present career information**

The act requires each school district to provide at least two opportunities per school year for recruitment entities to present information in person to all high school students individually or in a group setting. Each district also must provide students with the opportunity to speak in person with the participating entities. The act specifies that this requirement can be satisfied by providing common area access for presentation of information materials or by providing a scheduled educational or career fair.<sup>2</sup>

### **Application process**

Finally, the act permits school districts to develop an application process for entities that wish to access school property to present information to students. A district may develop standards of conduct and require entities to adhere to them as a condition of continued access and presentation of information materials.<sup>3</sup>

### **Career-technical workforce development educator licenses**

The act replaces the professional career-technical teaching license with two new licenses: a two-year initial and a five-year advanced career-technical workforce development educator license. Both licenses are valid for teaching career-technical education or workforce development programs in grades 4 through 12. An applicant for either of the new licenses does not need a bachelor's degree but must have a high school diploma.<sup>4</sup>

The State Board, in collaboration with the Chancellor of Higher Education, must adopt rules establishing standards for obtaining both types of licenses.<sup>5</sup>

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<sup>1</sup> R.C. 3313.471(B).

<sup>2</sup> R.C. 3313.471(C).

<sup>3</sup> R.C. 3313.471(D).

<sup>4</sup> R.C. 3319.229 (repealed and reenacted) and 3319.36; conforming change in R.C. 3319.223.

<sup>5</sup> R.C. 3319.229(B).



## **Timeline; application to current licensees**

Beginning July 1, 2019, all new license applicants who wish to teach career-technical education or workforce development must obtain one of the act's new career-technical workforce development licenses. A career-technical educator who, as of June 30, 2019, already holds a professional license or an alternative resident educator license for teaching career-technical education may choose to (1) continue to renew that license for the remainder of the educator's career or (2) apply for one of the new licenses. The State Board must accept new and renewal applications for professional career-technical teaching licenses through June 30, 2019, and issue them in accordance with the Board's licensure rules.<sup>6</sup>

### **Two-year initial license**

The State Board must issue a two-year initial career-technical workforce development educator license to an applicant upon request by the superintendent of the school district intending to employ the applicant. In making this request, the superintendent must provide documentation, in accordance with procedures prescribed by the Department, showing that the applicant (1) has at least five years of work experience in the subject area to be taught and (2) is enrolled in an educator preparation program that satisfies the criteria described below.<sup>7</sup>

#### **Educator preparation program**

A career-technical workforce development educator may hold a two-year initial license only while participating in an educator preparation program that:

- (1) Is offered by any institution of higher education (rather than a state university as under former law) that already has a teacher preparation program;
- (2) Is approved by the Chancellor of Higher Education to provide instruction in teaching methods and principles;
- (3) Provides classroom support to the license holder;
- (4) Includes at least three semester hours of coursework in teaching reading in the subject area;
- (5) Is aligned with career-technical education and workforce development competencies developed by the Department of Education;

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<sup>6</sup> R.C. 3319.229(A).

<sup>7</sup> R.C. 3319.229(C)(1).



(6) Uses a summative performance-based assessment developed by the program that is aligned to those competencies; and

(7) Consists of at least 24 semester hours of coursework, or the equivalent.<sup>8</sup>

### **Validity and renewal**

An initial license is valid for teaching only in the employing school district that requests licensure.<sup>9</sup> The State Board must renew an initial license if the supervisor of the educator preparation program and the district superintendent indicate that the educator is making sufficient progress in both the program and the teaching position.<sup>10</sup>

### **Five-year advanced license**

The act requires the State Board to issue an advanced career-technical workforce development educator license to an applicant who meets both of the following conditions:

(1) Successful completion of the educator preparation program, as indicated by the program supervisor; and

(2) Mastery of the career-technical education and workforce development competencies, as indicated by the superintendent of the employing district.<sup>11</sup>

An advanced license holder must work with a local professional development committee in meeting requirements to renew the license.<sup>12</sup>

### **Summary of licensure requirements**

The table below summarizes the requirements for the act's career-technical workforce development licenses.

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<sup>8</sup> R.C. 3319.229(C)(1) and (2) and Section 5 of the act.

<sup>9</sup> R.C. 3319.229(C)(1).

<sup>10</sup> R.C. 3319.229(C)(3).

<sup>11</sup> R.C. 3319.229(D).

<sup>12</sup> R.C. 3319.229(E).



License type	Requirements to obtain license	Requirements to maintain license	Duration and renewability
<b>Two-Year Initial</b>	(1) High school diploma; and  (2) Five years of work experience in the subject area.	Enroll in a program offered by an institution of higher education that is approved by the Chancellor that meets the following criteria: (1) provides classroom support to the license holder, (2) includes at least three semester hours of coursework in teaching reading in the subject area, (3) is aligned with career-technical education and workforce development competencies developed by the Department, (4) uses a summative performance-based assessment to evaluate the license holder's knowledge and skills, and (5) consists of at least 24 semester hours of coursework, or the equivalent.	Two years; renewable if the program supervisor and superintendent of the employing school district indicate that educator is making sufficient progress in both the program and teaching position.
<b>Five-Year Advanced</b>	(1) Demonstrates mastery of the career-technical education and workforce development competencies of the teaching profession, as indicated by the superintendent of the employing district; and  (2) Successful completion of the program the individual enrolled in as a condition to maintaining an Initial license, as indicated by the supervisor of the program.	No provision regarding maintaining the license.	Five years; renewable in consultation with a local professional development committee.

### Payment for services rendered by a career-technical education teacher

The act exempts career-technical educators from the requirement to hold a bachelor's degree in order to receive payment for teaching services during the initial



two months of employment prior to licensure. It maintains the requirement that all educators, including career-technical educators, must have filed an application for an educator license in order to receive payment.<sup>13</sup>

### **Ohio College Opportunity Grants**

The act changes the statutory method to calculate Ohio College Opportunity Grant (OCOG) awards to reflect the actual practice used under authority granted by state budget legislation. Under former permanent law, the statutory calculation based OCOG awards more on an individual basis: the state cost of attendance (generally the instructional and general charges for the student's undergraduate program) minus the student's federal Pell grant and expected family contribution (EFC). The act changes the statutory calculation to reflect the actual method used since FY 2010, according to the Department of Higher Education, under uncodified budget laws. The actual method has been based more on institutional sector averages.

Accordingly, under the act, the Chancellor determines the maximum "per student award amount" by subtracting the maximum federal Pell grant and maximum expected family contribution amounts from the average instructional and general fees charged by the student's respective institutional sector. These amounts must be published on the Department's website annually in an OCOG award table.<sup>14</sup> An institutional sector is the type of institution in which the student is enrolled and that qualifies the student for OCOG. The types of institutions include state universities, community colleges, private nonprofit colleges, private proprietary schools, or comprehensive transition and postsecondary programs.<sup>15</sup>

The act maintains law that allows the Chancellor to give preference to students with the lowest EFC, proportionately reduce grant amounts, or use an alternative formula if funding is inadequate to provide OCOG awards to all eligible students.<sup>16</sup>

### **Payment for school district with nuclear plant in its territory**

For each of FYs 2019, 2020, and 2021, the act requires the Department of Education to pay an eligible school district a per pupil amount equal to the difference between:

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<sup>13</sup> R.C. 3319.36(B)(1).

<sup>14</sup> R.C. 3333.122(D).

<sup>15</sup> R.C. 3333.122(B)(2).

<sup>16</sup> R.C. 3333.122(C)(1).

(1) 97% of the average of the district's total resources per pupil for FYs 2015, 2016, 2017, and 2018; and

(2) The district's total resources per pupil for the fiscal year in which the payment is to be made.

This per pupil amount is then multiplied by the district's total ADM (student count) to determine the district's total payment. However, if a district has experienced a decrease in total ADM from the previous fiscal year, half of its decrease in total ADM is added back to its total ADM when determining the total payment.<sup>17</sup>

A district is eligible for this payment if (1) it has a nuclear power plant in its territory and (2) the total taxable value of public utility personal property in the district for tax year 2017 is at least 50% less than the total taxable value of public utility personal property in the district for tax year 2016.<sup>18</sup> It appears that only the Benton-Carroll-Salem Local School District in Ottawa County meets these conditions.

For purposes of this payment, a district's "total resources" for a fiscal year is the sum of:

(1) The district's state education aid;

(2) Its tangible personal property (TPP) reimbursement payment;

(3) Its TPP supplemental payment;

(4) Its taxes charged and payable for current expenses for the first half of the most recent tax year for which data is available during that fiscal year and the second half of the tax year immediately preceding the most recent tax year for which data is available;

(5) Any distributions it received during that fiscal year from the gross casino revenue county student fund; and

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<sup>17</sup> R.C. 3317.029(B). The act revises FY 2019 earmarks of Foundation Funding appropriations to finance the payments in that fiscal year. (Section 265.210 of H.B. 49 of the 132nd General Assembly, amended in Sections 3 and 4 of this act). For more details, see pages 1 and 2 of the LSC Fiscal Note for H.B. 98, as Enacted, available at <https://www.legislature.ohio.gov/download?key=9159&format=pdf>.

<sup>18</sup> R.C. 3317.029(A)(1).



(6) Its payment for that fiscal year for recomputations due to utility TPP reductions.<sup>19</sup>

Payments made for a fiscal year under the act must occur after the Department has made a district's payment for that fiscal year for recomputations due to utility TPP reductions or determined that a district is not eligible for that payment, but not later than July 31 of the following fiscal year. The act prohibits the Department from making any reconciliations or adjustments to the payment once it has been paid to the district.<sup>20</sup>

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## HISTORY

ACTION	DATE
Introduced	02-27-17
Reported, H. Education & Career Readiness	10-11-17
Passed House (92-0)	11-29-17
Reported, S. Education	03-07-18
Passed Senate (33-0)	03-21-18
House concurred in Senate amendments (92-0)	03-21-18

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<sup>19</sup> R.C. 3317.029(A)(5).

<sup>20</sup> R.C. 3317.029(C).

