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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
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Legislative Budget  
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S.B. 89  
133<sup>rd</sup> General Assembly

## Bill Analysis

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**Version:** As Passed by the Senate

**Primary Sponsor:** Sen. M. Huffman

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## SUMMARY

### CAREER-TECHNICAL EDUCATION

#### Joint vocational school district operations

- Requires the board of education of a joint vocational school district (JVSD) to hold its organizational meeting anytime in January of each year (rather than by January 15 as under current law).
- Permits the district board of a JVSD to include in its calamity day plan the use of additional online lessons, student internships, student projects, or other options to make up any number of hours missed as the result of school closures among JVSD member districts.
- Provides that, when a city, local, or exempted village school district negotiates to receive compensation for property tax revenue foregone due to an enterprise zone tax exemption, any JVSD located in the enterprise zone also must receive similar compensation.

#### Business advisory council

- Specifies that a city, local, or exempted village school district is not required to appoint a business advisory council if the district has entered into an agreement with the business advisory committee of a JVSD to represent the district.

#### Technical assessments

- Requires the Department of Education to consider the possibility of attaining college credit as a factor when identifying an acceptable measure of technical skill.
- Specifies that the Department, in consultation with career-technical stakeholders, must update a list of technical assessments by May 31 of each year.

## **Career-technical planning district operations**

- Requires a student’s “home” school district to provide the student’s attendance records to the district providing career-technical education services (either a Career-Technical Planning District (CTPD) lead district or another district under a contract) when the education services are provided in facilities operated by the home district.
- Permits the lead district of a CTPD to enter into an agreement with a school district within the CTPD regarding a method of determining the full-time equivalency of a student enrolled in both districts for state funding purposes.

## **Career-technical education and licensure**

- Stipulates that, subject to approval of the district superintendent, an individual holding a substitute career-technical teaching license may work outside the individual’s career field for up to 60 days.
- Specifies that an individual holding an adult education permit may be employed by any district and not just the district that recommended and employed the individual at the time of the permit’s issuance.
- Permits an individual holding an adult education permit to work as a substitute career-technical teacher in high school courses offered by the individual’s employing district.
- Specifies that a 12-hour or 40-hour teaching permit issued by the State Board of Education must be renewable and that the qualifications for a permit must include career-technical experience for individuals assigned to a career-technical class.
- Requires the State Board to issue a 40-hour teaching permit to an individual teaching a career-technical course in which a student may earn an industry-recognized credential at a dropout prevention and recovery community school.

## **Industry-recognized credentials**

- Requires the Governor’s Office of Workforce Transformation, the Department of Education, and the Chancellor of Higher Education, in consultation with career-technical and other appropriate stakeholders, to develop “model guidance” regarding maintaining a statewide inventory of industry-recognized credentials.
- Specifies the “model guidance” must include (1) methods for state agencies to organize categories of industry-recognized credentials, (2) the potential creation of a public, inter-agency database of information regarding credentials, (3) methods to streamline the process of adding career-technical programs to approved credentialing lists, and (4) methods to increase transparency in the approval process of credentials.

## **STEM AND STEAM SCHOOLS AND EQUIVALENTS**

- Limits the requirement to combine the academic performance data of students enrolled in STEM or STEAM schools with comparable data from the students’ resident school districts to just the students in schools that are not sponsored by a single school district.

- Permits CTPDs to receive a STEM school equivalent designation in the same manner as a community school or a chartered nonpublic school.

## **EDUCATION MANAGEMENT INFORMATION SYSTEM**

- Requires the Department of Education, by June 1, 2020, to develop a procedure to (1) solicit comments from users of the Education Management Information System (EMIS) regarding proposed new or updated EMIS guidance, (2) respond to user comments, and (3) permit users to review the finalized guidance before it takes effect.
- Specifies the Department does not have to initiate the procedure when issuing supplement documents regarding EMIS or updated guidance that addresses either unforeseen technical errors or issues that are not substantive.
- Requires the Department to establish uniform training for Department personnel administering EMIS and uniform guidance for CTPDs and information technology centers regarding EMIS and EMIS guidance for CTPDs.

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## DETAILED ANALYSIS

### CAREER-TECHNICAL EDUCATION

The bill makes numerous changes to the law regarding the operation of career-technical education programs. Each city, exempted village, or local school district generally must provide career-technical education for its students in grades 7-12. To do so, a district may (1) choose to provide its own program (sometimes referred to as a comprehensive high school), (2) become a member of a joint vocational school district (JVSD) (sometimes called a career center), or (3) contract for those services from another district (sometimes called a compact).<sup>1</sup> In addition, the Department of Education has organized the delivery of career-technical education throughout the state based on 93 career-technical planning districts (CTPDs), each one with a “lead district” to coordinate services within the district. Each of the 49 JVSDs is a CTPD, and the remaining CTPDs are compacts or comprehensive programs.<sup>2</sup>

#### Joint vocational school district operations

##### Organizational meeting

The bill requires that the board of education of a JVSD hold its first meeting anytime in January of each year and organize by electing a president and vice president from among its members. Currently, a JVSD board must organize by January 15, in the same manner as city, exempted village, or local school districts.<sup>3</sup>

##### Make up missed hours

The bill permits a JVSD board to include in its calamity day plan additional online lessons, planned student internships, student projects, or other options to make up any number of hours missed as a result of the closure of schools belonging to the JVSD’s member districts.

Current law permits the district board of any school district to adopt a plan requiring that students complete either online lessons posted on the district’s website or, under certain circumstances, paper copies of lessons to make up hours in the school year for which district schools were closed for specified reasons. The reasons include disease epidemic, hazardous weather conditions, law enforcement emergencies, inoperability of school buses or equipment necessary to the school’s operation, damage to a school building, or other temporary

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<sup>1</sup> R.C. 3313.90, not in the bill.

<sup>2</sup> See R.C. 3317.023(A)(1) and (2).

<sup>3</sup> R.C. 3313.14.

circumstances due to utility failure rendering the building unfit for school use. However, under current law a district may make up only the number of hours equivalent to three school days.<sup>4</sup>

### **Compensation of JVSDs located in enterprise zones**

Enterprise zones are areas designated by a municipal corporation or county for the purpose of fostering economic development. A municipal corporation or county may enter into enterprise zone agreements with businesses that operate, or plan to operate, within the zone in exchange for property tax and other incentives or for governmental support negotiated as part of the enterprise zone agreement.

Continuing law requires that, if a municipal corporation or county plans to allow a property tax exemption that would exceed a certain percentage of the businesses' property value (75% in most cases), the legislative authority must notify, and receive the approval of, the board of education of each city, local, and exempted village school district located in the proposed zone. Before granting its approval, a district board may negotiate with the legislative authority to receive compensation for the property tax revenue the district would forego as a result of the tax exemption.

Under current law, a legislative authority also may provide for compensation to be paid to JVSDs located in the proposed zone, but there is no requirement to do so, and approval of the JVSD is never required before an enterprise zone agreement is finalized.

The bill requires that, if a legislative authority enters into a compensation agreement with a school district, any JVSD where the enterprise zone is located also must be compensated at the same rate, and under the same terms, as the compensation to be paid to the school district. The bill's JVSD compensation provisions apply only to enterprise zone agreements entered into on and after the bill's effective date.<sup>5</sup>

(Requirements identical to those added in the bill already apply to compensation agreements entered into as a result of a tax increment financing (TIF) arrangement.)<sup>6</sup>

### **Business advisory council**

The bill specifies that a city, local, or exempted village school district is not required to appoint a business advisory council if the district has entered into an agreement with a JVSD business advisory committee to represent the district. Under continuing law, a district is not required to appoint a council if the district agrees to be represented by the council of the educational service center with which the district has a service agreement.<sup>7</sup>

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<sup>4</sup> R.C. 3313.482.

<sup>5</sup> R.C. 5709.62, 5709.63, 5709.632, 5709.82, and 5709.83; Section 3.

<sup>6</sup> R.C. 5709.82.

<sup>7</sup> R.C. 3313.82.

## Technical assessments

The bill requires the Department of Education to consider the possibility of attaining college credit as a factor when identifying an acceptable measure of technical skill. Additionally, the Department, in consultation with specified career-technical stakeholders, must update a list developed by the Department regarding technical assessments by May 31 of each year.<sup>8</sup>

### Background

Continuing law requires the Department to consider an industry-recognized credential, or a state-issued license that requires an exam as an acceptable measure of technical skill attainment, unless otherwise required by federal law.

The Department is prohibited from requiring a student to take additional technical assessments if the student (1) has a credential or license or (2) has participated in or will be participating in a credentialing assessment or a license exam aligned to the student's career-technical education program. However, a student that does not participate in the assessment or exam must take technical assessments required by the Department.

The Department must develop procedures for identifying (1) industry-recognized credentials and licenses aligned to a student's career-technical education program that can be used as an acceptable measure of technical skill, and (2) students in the process of earning such credentials or licenses. Those procedures must be developed in consultation with career-technical stakeholders.<sup>9</sup>

## CTPD operations

### Attendance records

The bill requires the superintendent of a student's "home" school district to provide the student's attendance records to the lead district of the home district's CTPD or a contracting district when the student receives career-technical education services from the lead district or contracting district in facilities operated by the student's home district. A contracting district is a school district that has entered into a contract to provide career-technical education that meet standards set by the State Board. The bill specifies the lead district and the contracting district are provided with the attendance records to maintain student enrollment records for state funding purposes.<sup>10</sup>

### Full-time equivalency agreement

The bill permits the lead district of a CTPD to enter into an agreement with another district within the CTPD to establish a method to determine the full-time equivalency of a

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<sup>8</sup> R.C. 3313.903, fourth and fifth paragraphs.

<sup>9</sup> R.C. 3313.903.

<sup>10</sup> R.C. 3317.037(A) and (B).

student enrolled in both districts in order to calculate the enrollment of each district for state funding purposes.<sup>11</sup>

## **Career-technical education and licensure**

### **Career-technical substitute licenses**

The bill requires that the rules adopted by the State Board of Education regarding substitute teaching educator licenses must allow an individual with a substitute career-technical teaching license to teach outside the individual's certified career field for up to 60 days, if approved by the superintendent of the individual's employing district.<sup>12</sup>

### **Adult education permit**

The bill specifies that an individual who holds an adult education permit may be employed by any school district using that permit. The bill prohibits limiting that individual's employment to the district that recommended and employed the individual at the time of the permit's initial issuance.

Additionally, the bill stipulates that an individual who holds an adult education permit issued by the State Board may be assigned to work as a substitute career-technical teacher in high school courses offered by the individual's employing district.<sup>13</sup>

### **12-hour and 40-hour teaching permits**

The bill makes several changes to 12-hour and 40-hour a week teaching permits issued by the State Board to individuals who do not hold standard educator licenses. The bill specifies that a 12-hour or 40-hour teaching permit must be renewable and that the qualifications for a permit include career-technical experience for an individual assigned to a career-technical class. Under continuing law, the qualifications for a permit already includes significant experience related to subject matter.<sup>14</sup>

Additionally, the bill requires the State Board to issue a 40-hour teaching permit to an individual teaching a career-technical course offered at a dropout recovery and prevention community school if a student may earn an industry-recognized credential in the course. Under current law, only an individual teaching at a STEM school is permitted to receive a 40-hour teaching permit. Continuing law permits an individual teaching a career-technical course to qualify for a 12-hour teaching permit.<sup>15</sup>

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<sup>11</sup> R.C. 3317.037(C).

<sup>12</sup> R.C. 3319.226(C).

<sup>13</sup> R.C. 3319.2211.

<sup>14</sup> R.C. 3319.301(B).

<sup>15</sup> R.C. 3319.301(B); conforming changes in R.C. 3314.03 and 3314.19.

## Industry-recognized credentials

The bill requires the Governor’s Office of Workforce Transformation, the Department of Education, and the Chancellor of Higher Education, in consultation with career-technical and other appropriate stakeholders, to develop “model guidance” for maintaining a statewide inventory of industry-recognized credentials. The guidance must address all of the following:

1. Methods for state agencies to organize categories of industry-recognized credentials in a manner that permits students, public schools, private schools, and institutions of higher education to understand available credentialing options based on an individual student’s circumstances;
2. The potential creation of a public, centralized, and inter-agency database of information on all industry-recognized credentials;
3. Methods to streamline the process of adding career-technical programs to approved credentialing lists; and
4. Methods to increase transparency in the approval process for industry-recognized credentials.<sup>16</sup>

## STEM AND STEAM SCHOOLS AND EQUIVALENTS

### STEM and STEAM school state report cards

Beginning with the state report cards issued for the 2019-2020 school year, the bill limits the requirement to combine the academic performance data of students enrolled in STEM or STEAM schools with comparable data from the students’ resident school districts to just the students in schools that are not sponsored by a single school district (see “**STEM and STEAM school governance models**” below). Currently, the data for students enrolled in all STEM or STEAM schools (regardless of governance model) are included in the report cards for those students’ resident districts as well as the schools they attend.<sup>17</sup>

### STEM or STEAM equivalent designation for CTPDs

The bill permits a CTPD to receive a STEM or STEAM school equivalent designation in the same manner as a community school or a chartered nonpublic school. Under the bill, a CTPD may submit a proposal for a STEM school equivalent designation to the STEM committee.<sup>18</sup>

## Background

A STEM school is an independent, public school for any of grades K-12 established through a collaborative endeavor of both public and private entities, including at least one school district. As the name suggests, STEM schools emphasize study in the disciplines of

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<sup>16</sup> R.C. 6301.23.

<sup>17</sup> R.C. 3326.17.

<sup>18</sup> R.C. 3326.032.



science, technology, engineering, and math, but they also offer all courses required for graduation and are authorized to award their graduates high school diplomas. A STEAM school is a type of STEM school where the “A” denotes “arts.” Each school, whether a STEM school or a STEAM school, is approved for operation by the STEM Committee of the Department of Education, consisting of the Superintendent of Public Instruction, the Chancellor of Higher Education, the Director of Development Services, and four public members appointed by the Governor, Speaker of the House, and Senate President.<sup>19</sup>

A STEM or STEAM school equivalent is a community school or a chartered nonpublic school that meets the curriculum requirements of a STEM or STEAM school, but is governed under its own laws or articles of incorporation.<sup>20</sup>

### **STEM and STEAM school governance models**

There are two models for governance and funding for STEM and STEAM schools. Under one model, the school is “sponsored” by a single school district, while still collaborating with various other public and private entities including other school districts. In that case, the school’s governing body is the board of education of the sponsoring district, which must govern and control the school as one of the district’s schools.<sup>21</sup> Under the other model, the school is under the oversight of a new, independent board of individuals selected in the manner described in the school’s proposal as approved by the STEM Committee.<sup>22</sup>

### **Funding**

Under the single-district model, the school’s sponsoring district includes its resident students attending the school in the district’s student count and receives state funding directly for those students. If students from other districts enroll in a school established under this model, the Department must transfer state funds from the students’ resident school districts to the district sponsoring the school using the formulas of the open enrollment laws.<sup>23</sup> On the other hand, under the second model, the STEM or STEAM school is paid a per pupil amount for each enrolled student that is deducted from the state aid account of the student’s resident school district.<sup>24</sup>

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<sup>19</sup> R.C. 3326.01 to 3326.03, none in the bill.

<sup>20</sup> R.C. 3326.032.

<sup>21</sup> R.C. 3326.51, not in the bill.

<sup>22</sup> R.C. 3326.03, not in the bill.

<sup>23</sup> R.C. 3326.51, not in the bill.

<sup>24</sup> R.C. 3326.31 to 3326.41, none in the bill.

## EDUCATION MANAGEMENT INFORMATION SYSTEM

### EMIS users review of guidance

The bill changes how the Department of Education issues guidance regarding the Education Management Information System (EMIS). EMIS is a statewide electronic system of data collecting, reporting, and compiling for school districts and schools prescribed under continuing law.<sup>25</sup> Under the bill, the Department must develop a procedure by June 1, 2020, that permits EMIS users to review and comment upon any new or updated guidance regarding the information to be collected and reported through EMIS, along with any definitions, procedures, and guidelines necessary to implement EMIS.<sup>26</sup>

Under the procedure, the Department must post a copy of proposed new or updated EMIS guidance on its website and then solicit comments from EMIS users about the guidance for 30 consecutive days. Within 30 days after the end of that comment period, the Department must respond to the comments and may revise the guidance. After the end of the response period, the Department must post the finalized guidance on its website for a final review by users for 30 consecutive days. The guidance takes effect after that final review period ends.<sup>27</sup>

### Required use

While the bill generally requires the Department to use that procedure when issuing new or updated EMIS guidance, it creates two separate triggers under which the Department must initiate the procedure. If the Department issues new or updated guidance to implement a program, initiative, or policy, it must initiate the procedure by May 15 immediately prior to the school year in which the guidance is scheduled to take effect. The Department must initiate the procedure under that trigger beginning with guidance issued for the 2021-2022 school year.<sup>28</sup>

The bill creates a separate trigger that requires the Department, beginning June 1, 2020, to initiate the procedure for any new or updated guidance developed by the Department for the purposes of implementing any of the following:

1. A newly enacted state or federal law;
2. A new or updated federal rule; and
3. A rule or resolution adopted by the State Board of Education.<sup>29</sup>

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<sup>25</sup> See R.C. 3301.0714, not in the bill.

<sup>26</sup> R.C. 3301.0730(A) and (B).

<sup>27</sup> R.C. 3301.0730(B).

<sup>28</sup> R.C. 3301.0730(C).

<sup>29</sup> R.C. 3301.0730(D).

## Exceptions

However, the bill also specifies that the Department is not required to initiate the procedure when it issues any of the following:

1. Updated EMIS guidance to address issues that are not substantive, such as correcting grammatical errors;
2. Updated EMIS guidance to address unforeseen technical errors; and
3. Supplemental documents regarding EMIS guidance, including documents that: (1) clarify the implementation of the guidance, (2) answer questions submitted by EMIS users, or (3) provide training regarding EMIS.<sup>30</sup>

## Miscellaneous EMIS changes

Additionally, the bill specifies that the Department must establish uniform guidance for CTPDs and information technology centers regarding EMIS and EMIS guidance for CTPDs and must establish uniform training programs for Department personnel that administer EMIS.<sup>31</sup>

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## HISTORY

Action	Date
Introduced	03-06-19
Reported, S. Education	10-16-19
Passed Senate (31-0)	10-23-19

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<sup>30</sup> R.C. 3301.0730(E).

<sup>31</sup> R.C. 3301.0730(F).