

**As Passed by the House**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. H. B. No. 438**

**Representatives Hambley, Kick**

**Cosponsors: Representatives Seitz, Brenner, Stein, Anielski, Antonio, Greenspan,  
Householder, Landis, Rogers, Smith, R., Strahorn, West, Wiggam**

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**A BILL**

To amend sections 3311.056 and 3319.22 and to enact 1  
section 3311.059 of the Revised Code to permit 2  
the addition of appointed members to educational 3  
service center boards, to permit a local school 4  
district to sever its territory from one 5  
educational service center and annex that 6  
territory to an adjacent service center under 7  
specified conditions, and to authorize 8  
educational service centers to establish local 9  
professional development committees. 10

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 3311.056 and 3319.22 be amended 11  
and section 3311.059 of the Revised Code be enacted to read as 12  
follows: 13

**Sec. 3311.056.** ~~After at least one election of board~~ 14  
~~members has occurred under division (B) of section 3313.053,~~ 15  
~~division (C) of section 3311.054, or section 3311.057 of the~~ 16  
~~Revised Code, the~~ The ~~elected governing board~~ members of an 17  
educational service center ~~created under division (A) of section~~ 18

~~3311.053~~ of the Revised Code governing board may by resolution 19  
adopt a plan for adding appointed members to that governing 20  
board. A plan may provide for adding to the board a number of 21  
appointed members that is up to one less than the number of 22  
elected members on the board except that the total number of 23  
elected and appointed board members shall be an odd number. A 24  
plan shall provide for the terms of the appointed board members. 25  
The appointed board members in each plan shall be appointed by a 26  
majority vote of the full number of elected members on the board 27  
and vacancies shall be filled as provided in the plan. Each plan 28  
shall specify the qualifications for the appointed board members 29  
of an educational service center including the experience, 30  
knowledge, and skills that advance the mission and vision of the 31  
service center. Appointed members may be representative of the 32  
client school districts of the service center that are not 33  
otherwise represented on the board. As used in this section, 34  
"client school district" has the same meaning as in section 35  
~~3317.11~~ 3311.0510 of the Revised Code. 36

A governing board adopting a plan under this section shall 37  
submit the plan to the state board of education for approval. 38  
The state board may approve or disapprove a plan or make 39  
recommendations for modifications in a plan. A plan shall take 40  
effect thirty days after approval by the state board and, when 41  
effective, appointments to the board shall be made in accordance 42  
with the plan. 43

The elected members of the governing board of an 44  
educational service center with a plan in effect under this 45  
section may adopt, by unanimous vote of all the elected members, 46  
a resolution to revise or rescind the plan in effect under this 47  
section. All revisions shall comply with the requirements in 48  
this section for appointed board members. A resolution revising 49

or rescinding a plan shall specify the dates and manner in which 50  
the revision or rescission is to take place. The revision or 51  
rescission of a plan shall be submitted to the state board of 52  
education for approval. The state board may approve or 53  
disapprove a revision or rescission of a plan or make 54  
recommendations for modifications. Upon approval of a revision 55  
or rescission by the state board, the revised plan or rescission 56  
of the plan shall go into effect as provided in the revision or 57  
rescission. 58

Sec. 3311.059. The procedure prescribed in this section 59  
may be used in lieu of a transfer prescribed under section 60  
3311.231 of the Revised Code. 61

(A) Subject to divisions (B) and (C) of this section, a 62  
board of education of a local school district that severed and 63  
annexed its territory under section 3311.059 of the Revised Code 64  
as it existed prior to June 30, 2011, may by a resolution 65  
approved by a majority of all its members propose to sever that 66  
local school district from the territory of the educational 67  
service center in which the local school district is currently 68  
included and to instead annex the local school district to the 69  
territory of another educational service center, the current 70  
territory of which is adjacent to the territory of the 71  
educational service center in which the local school district is 72  
currently included. The resolution shall promptly be filed with 73  
the governing board of each educational service center affected 74  
by the resolution and with the superintendent of public 75  
instruction. 76

(B) The resolution adopted under division (A) of this 77  
section shall not be effective unless it is approved by the 78  
state board of education. In deciding whether to approve the 79

resolution, the state board shall consider the impact of an 80  
annexation on both the school district and the educational 81  
service center to which the district is proposed to be annexed, 82  
including the ability of that service center to deliver services 83  
in a cost-effective and efficient manner. The severance of the 84  
local school district from one educational service center and 85  
its annexation to another educational service center under this 86  
section shall not be effective until one year after the first 87  
day of July following the later of the date that the state board 88  
of education approves the resolution or the date the board of 89  
elections certifies the results of the referendum election as 90  
provided in division (C) of this section. 91

(C) Within sixty days following the date of the adoption 92  
of the resolution under division (A) of this section, the 93  
electors of the local school district may petition for a 94  
referendum vote on the resolution. The question whether to 95  
approve or disapprove the resolution shall be submitted to the 96  
electors of such school district if a number of qualified 97  
electors equal to twenty per cent of the number of electors in 98  
the school district who voted for the office of governor at the 99  
most recent general election for that office sign a petition 100  
asking that the question of whether the resolution shall be 101  
disapproved be submitted to the electors. The petition shall be 102  
filed with the board of elections of the county in which the 103  
school district is located. If the school district is located in 104  
more than one county, the petition shall be filed with the board 105  
of elections of the county in which the majority of the 106  
territory of the school district is located. The board shall 107  
certify the validity and sufficiency of the signatures on the 108  
petition. 109

The board of elections shall immediately notify the board 110

of education of the local school district and the governing 111  
board of each educational service center affected by the 112  
resolution that the petition has been filed. 113

The effect of the resolution shall be stayed until the 114  
board of elections certifies the validity and sufficiency of the 115  
signatures on the petition. If the board of elections determines 116  
that the petition does not contain a sufficient number of valid 117  
signatures and sixty days have passed since the adoption of the 118  
resolution, the resolution shall become effective as provided in 119  
division (B) of this section. 120

If the board of elections certifies that the petition 121  
contains a sufficient number of valid signatures, the board 122  
shall submit the question to the qualified electors of the 123  
school district on the day of the next general or primary 124  
election held at least ninety days after the board of elections 125  
certifies the validity and sufficiency of signatures on the 126  
petition. The election shall be conducted and canvassed and the 127  
results shall be certified in the same manner as in regular 128  
elections for the election of members of a board of education. 129

If a majority of the electors voting on the question 130  
disapprove the resolution, the resolution shall not become 131  
effective. If a majority of the electors voting on the question 132  
approve the resolution, the resolution shall become effective as 133  
provided in division (B) of this section. 134

(D) Upon the effective date of the severance of the local 135  
school district from one educational service center and its 136  
annexation to another educational service center as provided in 137  
division (B) of this section, the governing board of each 138  
educational service center shall take such steps for the 139  
election of members of the governing board and for organization 140

of the governing board as prescribed in Chapter 3313. of the 141  
Revised Code. 142

(E) If a school district is severed from one educational 143  
service center and annexed to another service center under this 144  
section, the board of education of that school district shall 145  
not propose a subsequent severance and annexation action under 146  
this section that would be effective sooner than four years 147  
after the effective date of the next previous severance and 148  
annexation action under this section. 149

**Sec. 3319.22.** (A) (1) The state board of education shall 150  
issue the following educator licenses: 151

(a) A resident educator license, which shall be valid for 152  
four years and shall be renewable for reasons specified by rules 153  
adopted by the state board pursuant to division (A) (3) of this 154  
section. The state board, on a case-by-case basis, may extend 155  
the license's duration as necessary to enable the license holder 156  
to complete the Ohio teacher residency program established under 157  
section 3319.223 of the Revised Code; 158

(b) A professional educator license, which shall be valid 159  
for five years and shall be renewable; 160

(c) A senior professional educator license, which shall be 161  
valid for five years and shall be renewable; 162

(d) A lead professional educator license, which shall be 163  
valid for five years and shall be renewable. 164

(2) The state board may issue any additional educator 165  
licenses of categories, types, and levels the board elects to 166  
provide. 167

(3) The state board shall adopt rules establishing the 168

standards and requirements for obtaining each educator license 169  
issued under this section. The rules shall also include the 170  
reasons for which a resident educator license may be renewed 171  
under division (A) (1) (a) of this section. 172

(B) The rules adopted under this section shall require at 173  
least the following standards and qualifications for the 174  
educator licenses described in division (A) (1) of this section: 175

(1) An applicant for a resident educator license shall 176  
hold at least a bachelor's degree from an accredited teacher 177  
preparation program or be a participant in the teach for America 178  
program and meet the qualifications required under section 179  
3319.227 of the Revised Code. 180

(2) An applicant for a professional educator license 181  
shall: 182

(a) Hold at least a bachelor's degree from an institution 183  
of higher education accredited by a regional accrediting 184  
organization; 185

(b) Have successfully completed the Ohio teacher residency 186  
program established under section 3319.223 of the Revised Code, 187  
if the applicant's current or most recently issued license is a 188  
resident educator license issued under this section or an 189  
alternative resident educator license issued under section 190  
3319.26 of the Revised Code. 191

(3) An applicant for a senior professional educator 192  
license shall: 193

(a) Hold at least a master's degree from an institution of 194  
higher education accredited by a regional accrediting 195  
organization; 196

(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;	197 198 199
(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.	200 201 202 203
(4) An applicant for a lead professional educator license shall:	204 205
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	206 207 208
(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;	209 210 211 212
(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;	213 214 215
(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F) (4) or (5) of section 3319.61 of the Revised Code.	216 217 218 219 220
(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code.	221 222 223 224

(D) If the state board requires any examinations for 225  
educator licensure, the department of education shall provide 226  
the results of such examinations received by the department to 227  
the chancellor of higher education, in the manner and to the 228  
extent permitted by state and federal law. 229

(E) Any rules the state board of education adopts, amends, 230  
or rescinds for educator licenses under this section, division 231  
(D) of section 3301.07 of the Revised Code, or any other law 232  
shall be adopted, amended, or rescinded under Chapter 119. of 233  
the Revised Code except as follows: 234

(1) Notwithstanding division (E) of section 119.03 and 235  
division (A)(1) of section 119.04 of the Revised Code, in the 236  
case of the adoption of any rule or the amendment or rescission 237  
of any rule that necessitates institutions' offering preparation 238  
programs for educators and other school personnel that are 239  
approved by the chancellor of higher education under section 240  
3333.048 of the Revised Code to revise the curriculum of those 241  
programs, the effective date shall not be as prescribed in 242  
division (E) of section 119.03 and division (A)(1) of section 243  
119.04 of the Revised Code. Instead, the effective date of such 244  
rules, or the amendment or rescission of such rules, shall be 245  
the date prescribed by section 3333.048 of the Revised Code. 246

(2) Notwithstanding the authority to adopt, amend, or 247  
rescind emergency rules in division (G) of section 119.03 of the 248  
Revised Code, this authority shall not apply to the state board 249  
of education with regard to rules for educator licenses. 250

(F)(1) The rules adopted under this section establishing 251  
standards requiring additional coursework for the renewal of any 252  
educator license shall require a school district and a chartered 253  
nonpublic school to establish local professional development 254

committees. In a nonpublic school, the chief administrative 255  
officer shall establish the committees in any manner acceptable 256  
to such officer. The committees established under this division 257  
shall determine whether coursework that a district or chartered 258  
nonpublic school teacher proposes to complete meets the 259  
requirement of the rules. The department of education shall 260  
provide technical assistance and support to committees as the 261  
committees incorporate the professional development standards 262  
adopted by the state board of education pursuant to section 263  
3319.61 of the Revised Code into their review of coursework that 264  
is appropriate for license renewal. The rules shall establish a 265  
procedure by which a teacher may appeal the decision of a local 266  
professional development committee. 267

(2) In any school district in which there is no exclusive 268  
representative established under Chapter 4117. of the Revised 269  
Code, the professional development committees shall be 270  
established as described in division (F) (2) of this section. 271

Not later than the effective date of the rules adopted 272  
under this section, the board of education of each school 273  
district shall establish the structure for one or more local 274  
professional development committees to be operated by such 275  
school district. The committee structure so established by a 276  
district board shall remain in effect unless within thirty days 277  
prior to an anniversary of the date upon which the current 278  
committee structure was established, the board provides notice 279  
to all affected district employees that the committee structure 280  
is to be modified. Professional development committees may have 281  
a district-level or building-level scope of operations, and may 282  
be established with regard to particular grade or age levels for 283  
which an educator license is designated. 284

Each professional development committee shall consist of 285  
at least three classroom teachers employed by the district, one 286  
principal employed by the district, and one other employee of 287  
the district appointed by the district superintendent. For 288  
committees with a building-level scope, the teacher and 289  
principal members shall be assigned to that building, and the 290  
teacher members shall be elected by majority vote of the 291  
classroom teachers assigned to that building. For committees 292  
with a district-level scope, the teacher members shall be 293  
elected by majority vote of the classroom teachers of the 294  
district, and the principal member shall be elected by a 295  
majority vote of the principals of the district, unless there 296  
are two or fewer principals employed by the district, in which 297  
case the one or two principals employed shall serve on the 298  
committee. If a committee has a particular grade or age level 299  
scope, the teacher members shall be licensed to teach such grade 300  
or age levels, and shall be elected by majority vote of the 301  
classroom teachers holding such a license and the principal 302  
shall be elected by all principals serving in buildings where 303  
any such teachers serve. The district superintendent shall 304  
appoint a replacement to fill any vacancy that occurs on a 305  
professional development committee, except in the case of 306  
vacancies among the elected classroom teacher members, which 307  
shall be filled by vote of the remaining members of the 308  
committee so selected. 309

Terms of office on professional development committees 310  
shall be prescribed by the district board establishing the 311  
committees. The conduct of elections for members of professional 312  
development committees shall be prescribed by the district board 313  
establishing the committees. A professional development 314  
committee may include additional members, except that the 315

majority of members on each such committee shall be classroom 316  
teachers employed by the district. Any member appointed to fill 317  
a vacancy occurring prior to the expiration date of the term for 318  
which a predecessor was appointed shall hold office as a member 319  
for the remainder of that term. 320

The initial meeting of any professional development 321  
committee, upon election and appointment of all committee 322  
members, shall be called by a member designated by the district 323  
superintendent. At this initial meeting, the committee shall 324  
select a chairperson and such other officers the committee deems 325  
necessary, and shall adopt rules for the conduct of its 326  
meetings. Thereafter, the committee shall meet at the call of 327  
the chairperson or upon the filing of a petition with the 328  
district superintendent signed by a majority of the committee 329  
members calling for the committee to meet. 330

(3) In the case of a school district in which an exclusive 331  
representative has been established pursuant to Chapter 4117. of 332  
the Revised Code, professional development committees shall be 333  
established in accordance with any collective bargaining 334  
agreement in effect in the district that includes provisions for 335  
such committees. 336

If the collective bargaining agreement does not specify a 337  
different method for the selection of teacher members of the 338  
committees, the exclusive representative of the district's 339  
teachers shall select the teacher members. 340

If the collective bargaining agreement does not specify a 341  
different structure for the committees, the board of education 342  
of the school district shall establish the structure, including 343  
the number of committees and the number of teacher and 344  
administrative members on each committee; the specific 345

administrative members to be part of each committee; whether the 346  
scope of the committees will be district levels, building 347  
levels, or by type of grade or age levels for which educator 348  
licenses are designated; the lengths of terms for members; the 349  
manner of filling vacancies on the committees; and the frequency 350  
and time and place of meetings. However, in all cases, except as 351  
provided in division (F)(4) of this section, there shall be a 352  
majority of teacher members of any professional development 353  
committee, there shall be at least five total members of any 354  
professional development committee, and the exclusive 355  
representative shall designate replacement members in the case 356  
of vacancies among teacher members, unless the collective 357  
bargaining agreement specifies a different method of selecting 358  
such replacements. 359

(4) Whenever an administrator's coursework plan is being 360  
discussed or voted upon, the local professional development 361  
committee shall, at the request of one of its administrative 362  
members, cause a majority of the committee to consist of 363  
administrative members by reducing the number of teacher members 364  
voting on the plan. 365

(G)(1) The department of education, educational service 366  
centers, county boards of developmental disabilities, ~~regional-~~ 367  
~~professional development centers, special education regional-~~ 368  
~~resource centers,~~ college and university departments of 369  
education, head start programs, and the Ohio education computer 370  
network may establish local professional development committees 371  
to determine whether the coursework proposed by their employees 372  
who are licensed or certificated under this section or section 373  
3319.222 of the Revised Code, or under the former version of 374  
either section as it existed prior to October 16, 2009, meet the 375  
requirements of the rules adopted under this section. They may 376

establish local professional development committees on their own 377  
or in collaboration with a school district or other agency 378  
having authority to establish them. 379

Local professional development committees established by 380  
county boards of developmental disabilities shall be structured 381  
in a manner comparable to the structures prescribed for school 382  
districts in divisions (F) (2) and (3) of this section, as shall 383  
the committees established by any other entity specified in 384  
division (G) (1) of this section that provides educational 385  
services by employing or contracting for services of classroom 386  
teachers licensed or certificated under this section or section 387  
3319.222 of the Revised Code, or under the former version of 388  
either section as it existed prior to October 16, 2009. All 389  
other entities specified in division (G) (1) of this section 390  
shall structure their committees in accordance with guidelines 391  
which shall be issued by the state board. 392

(2) Educational service centers may establish local 393  
professional development committees to serve educators who are 394  
not employed in schools in this state, including pupil services 395  
personnel who are licensed under this section. Local 396  
professional development committees shall be structured in a 397  
manner comparable to the structures prescribed for school 398  
districts in divisions (F) (2) and (3) of this section. 399

These committees may agree to review the coursework, 400  
continuing education units, or other equivalent activities 401  
related to classroom teaching or the area of licensure that is 402  
proposed by an individual who satisfies both of the following 403  
conditions: 404

(a) The individual is licensed or certificated under this 405  
section or under the former version of this section as it 406

existed prior to October 16, 2009. 407

(b) The individual is not currently employed as an 408  
educator or is not currently employed by an entity that operates 409  
a local professional development committee under this section. 410

Any committee that agrees to work with such an individual 411  
shall work to determine whether the proposed coursework, 412  
continuing education units, or other equivalent activities meet 413  
the requirements of the rules adopted by the state board under 414  
this section. 415

(3) Any public agency that is not specified in ~~division~~ 416  
divisions (G) (1) or (2) of this section but provides educational 417  
services and employs or contracts for services of classroom 418  
teachers licensed or certificated under this section or section 419  
3319.222 of the Revised Code, or under the former version of 420  
either section as it existed prior to October 16, 2009, may 421  
establish a local professional development committee, subject to 422  
the approval of the department of education. The committee shall 423  
be structured in accordance with guidelines issued by the state 424  
board. 425

(H) Not later than July 1, 2016, the state board, in 426  
accordance with Chapter 119. of the Revised Code, shall adopt 427  
rules pursuant to division (A) (3) of this section that do both 428  
of the following: 429

(1) Exempt consistently high-performing teachers from the 430  
requirement to complete any additional coursework for the 431  
renewal of an educator license issued under this section or 432  
section 3319.26 of the Revised Code. The rules also shall 433  
specify that such teachers are exempt from any requirements 434  
prescribed by professional development committees established 435

under divisions (F) and (G) of this section. 436

(2) For purposes of division (H)(1) of this section, the 437  
state board shall define the term "consistently high-performing 438  
teacher." 439

**Section 2.** That existing sections 3311.056 and 3319.22 of 440  
the Revised Code are hereby repealed. 441