



Ohio Legislative Service Commission

Final Analysis

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ACT SUMMARY

World history

- Requires one-half unit of instruction in the study of world history and civilizations in the high school social studies curriculum.
- Prohibits the State Board of Education and the Department of Education from developing or administering an end-of-course examination in world history.

State assessments

- Requires the Superintendent of Public Instruction and the Chancellor of the Board of Regents to designate multiple, rather than one, nationally standardized assessments of college and career readiness, from which school districts or schools must choose one to administer to eleventh-grade students.
- Requires that the nationally standardized assessment be administered in the spring of the school year.

- Eliminates the requirement that the nationally standardized assessment include "components in English, mathematics, science, and social studies."
- Phases out the physical science end-of-course exam so that students entering the ninth grade for the first time between July 1, 2014, and July 1, 2015, take either the physical science or biology exam, and students entering the ninth grade for the first time on or after July 1, 2015, take the biology end-of-course exam.
- Requires the Department of Education to make available the physical science end-of-course exam until July 1, 2019, for students who wish to retake it and who entered the ninth grade for the first time between July 1, 2014, and July 1, 2015.
- Requires the State Board of Education to adopt rules by July 1, 2016, prescribing the requirements for the end-of-course exam in science for students who have not completed one of the three prescribed graduation pathways by July 1, 2019, due to failure to attain a cumulative passing score on the end-of-course exams and who entered the ninth grade for the first time between July 1, 2014, and July 1, 2015.
- Exempts from an end-of-course exam students who received high school credit for an applicable course prior to July 1, 2015, rather than July 1, 2014, if the exam was not available for administration prior to July 1, 2015.
- Requires students exempted from such an exam to choose to either (1) be considered to have attained a "proficient" score, or (2) use the student's course grade in lieu of a score.
- Requires the state Superintendent, in consultation with the Chancellor, to adopt guidelines for calculating the corresponding final course grades and the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.
- Permits school districts or schools that utilize an integrated approach to math instruction to replace the required Algebra I end-of-course exam with an integrated mathematics I end-of-course exam and to replace the required geometry end-of-course exam with an integrated mathematics II end-of-course exam.
- Beginning with the 2015-2016 school year, requires final course grades, rather than substitute exams, to be used in lieu of end-of-course exams in specified subjects for students enrolled in courses under the College Credit Plus (CCP) Program or an Early College High School (ECHS) Program.

- Specifies for the 2014-2015 school year, depending on the former dual enrollment programs in which students are enrolled, which students must take substitute exams and which must use final course grades in lieu of specified end-of-course exams.
- Requires the state Superintendent, in consultation with the Chancellor, to adopt guidelines for calculating the minimum final course grades for CCP and ECHS courses, as well as specified former dual enrollment courses, that demonstrate the level of academic achievement necessary to earn a high school diploma.
- Addresses deadlines regarding the phase-out of the Ohio Graduation Test (OGT) and OGT practice assessments.
- For the 2014-2015 school year, requires school districts and schools to administer the Ohio Achievement Assessment for English language arts to all third-grade students in the spring administration.
- Specifies that student scores on state assessments for the 2014-2015 school year be sent to districts and schools by November 15, 2015, instead of within 60 days after administration or June 15 as otherwise required under continuing law.
- Exempts, for the 2014-2015 school year only, chartered nonpublic schools from being required to administer the required end-of-course exams and exempts students from being required to take those exams.
- Removes the September 30 deadline by which the language and reading skills portion of the diagnostic assessment must be administered to students in kindergarten through third grade for purposes of the third-grade reading guarantee.

Attendance reporting

- Removes a school funding formula provision stating that a student's enrollment was considered to cease when the student had 105 continuous hours of unexcused absences.
- Specifies that a student in any of grades 9-12 is considered a full-time equivalent student if the student is enrolled in at least five units of instruction per school year.

Admission of children placed in foster homes or residential facilities

- Prohibits public and nonpublic school officials from denying admission to a child placed in a foster home or residential facility solely because the child does not present a birth certificate or comparable document upon registration.



- Requires the child or the child's parent, custodian, or guardian to present a birth certificate or comparable document to the person in charge of admission of the school within 90 days after the child's initial entry into the school.

Teach for America licenses

- Requires each participant in the Teach for America Program who is assigned to teach in Ohio to remain an active member of the TFA support program, for the duration of the program, in order to continue to possess a resident educator license.
- Requires the State Board of Education to revoke a participant's resident educator license if that participant resigns or is dismissed from the program prior to completion.

Montessori

- Expands the community schools eligible to enroll children younger than age five to include those that use the method endorsed by the Montessori Accreditation Council for Teacher Education.
- Specifies that community schools with approved Montessori programs must provide 455 hours of learning opportunities per school year to students who are under age five.
- Adds institutions accredited by the Montessori Accreditation Council for Teacher Education to the list of institutions that may offer a teacher education program for alternative resident educator licensure.

Other education provisions

- Reappropriates, for fiscal year 2016, any unexpended, unencumbered remaining funds at the end of fiscal year 2015 for the Career Advising and Mentoring Grant Program in the Department of Education.
- Corrects an engrossing error from H.B. 487 of the 130th General Assembly, from which language that clarifies the manner in which state-required assessment questions become a public record was omitted.

Diabetes care by nurses employed by educational service centers

- Permits a school district board of education to contract with an educational service center (ESC) for the purpose of procuring the services of a school nurse, a registered nurse, or a licensed practical nurse employed by the ESC providing diabetes care to students in the district in accordance with continuing law.



Opioid abuse prevention education

- Requires each school district to include instruction in prescription opioid abuse prevention in the district's health curriculum.
- Requires the Governor's Cabinet Opiate Action Team to develop recommendations for instruction in prescription opioid abuse prevention and submit them to the Department of Education no later than July 1, 2015.
- Requires the Department, upon receiving the recommendations, to publish them on its website.

Physician use of controlled substances to treat dependence or addiction

- Requires the State Medical Board to establish, by rule, standards and procedures for physicians to follow in using controlled substances to treat opioid dependence or addiction.
- Modifies the conditions under which buprenorphine is not included in determining whether prescribers have exceeded their limits on personally furnishing controlled substances.
- Requires, beginning April 1, 2015, that certain prescriber-based business entities hold a terminal distributor license from the State Board of Pharmacy in order to possess and distribute buprenorphine-containing drugs used to treat drug dependence or addiction.
- Makes a conforming change regarding the conditions under which methadone is not included in determining whether prescribers have exceeded their limits on personally furnishing controlled substances.

TABLE OF CONTENTS

World history in the social studies high school curriculum	6
State achievement assessments.....	6
College and career readiness assessment.....	7
Science end-of-course examination	7
Exemption for students who already completed a course.....	8
Integrated math exams.....	9
Substitute exams or final course grades.....	9
OGT phase out	11
Third-grade reading guarantee assessments	11
Reporting of assessment scores	12
End-of-course exam exemption for chartered nonpublic schools.....	12
Background.....	12
Background on achievement assessments	13



Diagnostic assessment deadline	14
Student attendance reporting	14
Admission of children placed in foster homes or residential facilities	14
Teach for America licenses	15
Background	15
Montessori	15
Montessori community schools	15
Alternative resident educator license for Montessori teachers	16
Other education provisions	17
Diabetes care by nurses employed by educational service centers	17
Instruction in prescription opioid abuse prevention	17
Recommendations for instruction	17
Physician use of controlled substances to treat dependence or addiction	18
Limits on personally furnishing controlled substances	18
Terminal distributor license for prescriber businesses using buprenorphine	19
Conforming change	19

CONTENT AND OPERATION

World history in the social studies high school curriculum

Beginning with students enrolled in public and chartered nonpublic high schools who enter the ninth grade on or after July 1, 2017, the act requires at least one-half unit of instruction (60 hours) in the study of world history and civilizations, as part of the two units of social studies instruction required for high school graduation.¹

The act also explicitly prohibits the State Board of Education and the Department of Education from developing or administering a state end-of-course examination in world history.² (See also "**Background on achievement assessments**," below.)

State achievement assessments

For most high school students, state law currently requires the administration of the Ohio Graduation Tests (OGT).³ However, the OGT is replaced by the College and Work Ready Assessment System beginning with students who enter the ninth grade for the first time on or after July 1, 2014. The College and Work Ready Assessment System, as revised by the act, consists of (1) nationally standardized assessments that measure college and career readiness and are used for college admission, and (2) seven end-of-

¹ R.C. 3313.603(B)(7) and (C)(7).

² R.C. 3301.0712(B)(9).

³ R.C. 3301.0710(B)(1).



course examinations.⁴ The act's adjustments to the assessment system are described below.

College and career readiness assessment

Prior law required the Superintendent of Public Instruction and the Chancellor of the Board of Regents to select a nationally standardized college and career readiness assessment. The act requires them to select multiple assessments, instead of a single assessment, from which school districts and schools must choose one to administer to their students.

The act also requires that the college and career readiness assessment be administered to all eleventh-grade students in the spring of the school year and removes a requirement specifying that the assessment must include "components in English, mathematics, science, and social studies."⁵

Science end-of-course examination

The second part of the College and Work Ready Assessment System consists of seven end-of-course examinations, in English language arts I, English language arts II, science, Algebra I, geometry, American history, and American government. Where prior law specifically required a physical science end-of-course exam, the act specifies a "science" end-of-course exam. To that end, the act prescribes a phased-in transition system regarding the science end-of-course exams as described in the table below.⁶

Student status	End-of-course exam
Students entering ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015.	Physical science or biology
Students entering ninth grade for the first time on or after July 1, 2015.	Biology

For students who took the physical science end-of-course exam during the 2014-2015 school year and wish to retake it, the Department of Education must make available the physical science end-of-course exam until July 1, 2019.⁷

⁴ R.C. 3301.0710(B)(2) and 3301.0712(B).

⁵ R.C. 3301.0712(B)(1).

⁶ R.C. 3301.0712(B)(8)(a).

⁷ R.C. 3301.0712(B)(8)(b).



The State Board of Education must adopt rules by July 1, 2016, prescribing the requirements for the end-of-course exam in science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who have not completed one of the three prescribed graduation pathways by July 1, 2019, due to a student's failure to attain a cumulative passing score on the end-of-course exams.⁸

Continuing law requires students who enter ninth grade for the first time on or after July 1, 2014, to complete one of the following pathways to be eligible for a high school diploma: (1) score at "remediation-free" levels in English, math, and reading on nationally standardized assessments, (2) attain a cumulative passing score on the end-of-course exams, or (3) attain a passing score on a nationally recognized job skills assessment and obtain either an industry-recognized credential or a state agency- or board-issued license for practice in a specific vocation.⁹

Exemption for students who already completed a course

The act exempts from an end-of-course exam any student who received high school credit prior to July 1, 2015, for a course for which an exam is prescribed, so long as the exam was not available for administration prior to that date. Also, a student may take the exam at a later date, if desired. Prior law, revised by the act, exempted such a student who received high school credit prior to July 1, 2014, for a course for which that exam is prescribed. That prior law did not limit the exemption to examinations that were not available for administration prior to that date, as does the act.

For the purposes of determining whether a student who is exempted from an end-of-course exam has attained the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma, the student must select either of the following options:

- (1) The student is considered to have attained a "proficient" score on that exam.
- (2) The student's final course grade is used in lieu of a score on the exam.

The Superintendent of Public Instruction, in consultation with the Chancellor, must adopt guidelines for the purposes of calculating the corresponding final course grades and the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.¹⁰

⁸ R.C. 3301.0712(B)(8)(c).

⁹ R.C. 3313.618.

¹⁰ R.C. 3301.0712(B)(6).

Integrated math exams

The act permits school districts or schools that utilize an integrated approach to math instruction to do either, or both, of the following:

- (1) Replace the required Algebra I end-of-course exam with an integrated math I end-of-course exam; and
- (2) Replace the required geometry end-of-course exam with an integrated math II end-of-course exam.¹¹

Substitute exams or final course grades

The act makes revisions pertaining to end-of-course exams for students participating in dual enrollment programs or advanced standing programs. The former dual enrollment program includes the former Post-Secondary Enrollment Options (PSEO) program, Advanced Placement (AP) courses, Early College High Schools (ECHS), and any program that was similar to PSEO or AP and was agreed upon by both the high school and the institution of higher education.¹² Advanced standing currently includes the College Credit Plus (CCP) program, AP courses, ECHS "programs," and International Baccalaureate (IB) courses (formerly the program that was "similar to PSEO or AP").¹³

Due to the delayed operation of advanced standing programs (beginning with the 2015-2016 school year) and the final operation of dual enrollment programs (ending with the 2014-2015 school year), the act prescribes which students must take substitute exams and which must use final course grades in lieu of the prescribed end-of-course exams when enrolled in a dual enrollment or advanced standing program course in science (either physical science or biology depending on the school year), American history, American government, and Algebra II (only if the State Board replaces the Algebra I exam with an Algebra II exam).¹⁴

The table below specifies which students must take substitute exams and which must use final course grades in lieu of the prescribed end-of-course exams in science, American history, American government, and if applicable Algebra II.¹⁵

¹¹ R.C. 3301.0712(B)(7)(c).

¹² See former division (A) of R.C. 3313.6013, as it existed prior to September 17, 2014.

¹³ R.C. 3313.6013(A), not in the act.

¹⁴ R.C. 3301.0712(B)(4)(a) and (B)(7)(b).

¹⁵ R.C. 3301.0712(B)(4), (B)(7), and Section 11.



Program	2014-2015 School Year	2015-2016 School Year and Thereafter
College Credit Plus/Post-Secondary Enrollment Options (PSEO)	Final course grade	Final course grade
Advanced Placement (AP)	Substitute exam (in lieu of end-of-course exam)	Substitute exam (in lieu of end-of-course exam)
A program similar to PSEO or AP/International Baccalaureate	Substitute exam (in lieu of end-of-course exam) or final course grade, at the discretion of the student	Substitute exam (in lieu of end-of-course exam)
Early College High School (ECHS)/ECHS programs	Final course grade	Final course grade

The act specifies that a final course grade may be used in lieu of an end-of-course exam only if the course (1) is not remedial or developmental and (2) the student receives "transcribed credit" for the course.¹⁶ It also requires the state Superintendent, in consultation with the Chancellor, to adopt guidelines for calculating the minimum final course grades for dual enrollment courses taken during the 2014-2015 school year that demonstrate the level of academic achievement necessary to earn a high school diploma.¹⁷

Finally, the act requires the State Board to do the following regarding substitute exams and final course grades:

(1) Specify the score levels for each AP, IB, or advanced standing program exam for purposes of calculating the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma;¹⁸ and

(2) Specify the score levels for each substitute exam taken under a dual enrollment program during the 2014-2015 school year for purposes of calculating the

¹⁶ R.C. 3301.0712(B)(4)(b), last paragraph. See also R.C. 3365.01(U). "Transcribed credit" means postsecondary credit that is conferred by an institution of higher education and is reflected on a student's official record at that institution upon completion of a course.

¹⁷ R.C. 3301.0712(B)(4)(b)(ii) and Section 11(B)(2).

¹⁸ R.C. 3301.0712(B)(4)(a).

minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.¹⁹

OGT phase out

The act phases out the requirement that certain school districts administer OGT practice tests to ninth-grade students. This phase-out reflects the replacement of the OGTs by the new College and Work Ready Assessments. Under continuing law, a school district or school with a three-year average graduation rate of less than 75% must administer the practice OGT to all ninth-grade students. The act limits this administration to ninth-grade students who entered ninth grade prior to July 1, 2014.

In addition, it changes from a date certain (July 1, 2015), to a date specified by the State Board of Education, as the end date of the administration of the OGT and practice assessments to students who have fulfilled the curriculum requirements to graduate, but have not passed one or more parts of the OGT.²⁰

Third-grade reading guarantee assessments

For the 2014-2015 school year only, the act requires districts and schools to administer the Ohio Achievement Assessment English language arts assessment to all third-grade students in the spring, instead of the English language arts assessment developed by the Partnership for Assessment of Readiness for College and Careers (PARCC).²¹

Prior law specified, for the 2014-2015 school year only, two separate English language arts assessments to be administered to third-grade students enrolled in a school district, community school, or STEM school. For the fall administration, prior law required each district or school to administer the same assessment that was administered in the previous school year. For the spring administration, each district or school was required to administer the same assessment that was administered in the previous school year to any student whose previous score on the assessment would subject that student to retention under the third-grade reading guarantee. For any student whose score would not subject the student to retention, each district or school was required to administer the assessment developed by PARCC.

¹⁹ Section 11(B)(1).

²⁰ R.C. 3301.0711(B)(10).

²¹ Section 9 of H.B. 487 of the 130th General Assembly, amended in Sections 7 and 8.



Reporting of assessment scores

Under the act, the Department of Education, or an entity with which it contracts for the scoring of state assessments, must send to each district and school, by November 15, 2015, a list of individual scores for all students who took an assessment in the 2014-2015 school year. Continuing law, not affected for other school years, requires that the scores be sent within 60 days after the administration of an assessment, but in no case after June 15 following the assessment administration.²²

End-of-course exam exemption for chartered nonpublic schools

The act exempts, for the 2014-2015 school year only, chartered nonpublic schools from having to administer the end-of-course exams, and also exempts their students from having to take them. Since continuing law prescribes the attainment of a cumulative passing score on the end-of-course exams as one of the three graduation pathways,²³ the act specifies that a student's final course grade must be used in lieu of a score on the corresponding end-of-course exam from which the student is exempt to determine whether the student complies with the graduation testing requirements that may apply to the student in subsequent school years.²⁴

Despite the act's exemption for students of chartered nonpublic schools, it explicitly states that students attending a chartered nonpublic school under a state scholarship program still must complete one of the three graduation pathways in order to receive a high school diploma.²⁵ The state scholarship programs are the Ed Choice, Jon Peterson Special Needs, Cleveland, and Autism scholarship programs.

Finally, the act requires the Superintendent of Public Instruction, in consultation with the Chancellor of the Board of Regents, to adopt guidelines for calculating the corresponding final course grades that demonstrate the level of academic achievement necessary to earn a high school diploma.²⁶

Background

Continuing law provides a contingent exemption for students attending a chartered nonpublic school from taking the required end-of-course exams. It permits a

²² R.C. 3301.0711(G); Section 10.

²³ R.C. 3313.618.

²⁴ Section 12(A).

²⁵ Section 12(B).

²⁶ Section 12(A), second paragraph.



chartered nonpublic school to forego administering all of the end-of-course exams, if the school publishes for each graduating class the results of the required nationally standardized assessment that measures college and career readiness. In reporting those results, a school must include overall composite scores, mean scores, 25th percentile scores, and 75th percentile scores for each subject area of the assessment. Currently, the exemption goes into effect on October 1, 2015, only if the General Assembly does not enact different requirements that are effective by that date regarding end-of-course exams for chartered nonpublic schools.²⁷

Background on achievement assessments

State law, in part in compliance with the federal No Child Left Behind Act, requires the administration of annual reading and math assessments to students in grades three through eight and science assessments to students in grades five and eight. The state further requires the administration of an annual social studies assessment to students in grades four and six, but those tests are not required under federal law.

The composition of elementary-level achievement assessments is shown below.

	English language arts	Math	Science	Social Studies
Grade 3	X	X		
Grade 4	X	X		X
Grade 5	X	X	X	
Grade 6	X	X		X
Grade 7	X	X		
Grade 8	X	X	X	

For most current high school students, state law requires the administration of the Ohio Graduation Test (OGT). The OGT includes five different test subjects, in reading, writing, math, science, and social studies. It is administered to tenth graders and to eleventh and twelfth graders who failed one or more subject test.²⁸ However, the OGT will be replaced by the College and Work Ready Assessment System beginning with students who enter the ninth grade for the first time on or after July 1, 2014. As discussed above, the system consists of nationally standardized assessments that measure college and career readiness and seven end-of-course exams.

²⁷ R.C. 3313.612(D) and (G).

²⁸ R.C. 3301.0710(B)(1).



Diagnostic assessment deadline

The act removes "September 30 of each year" as the deadline by which public schools must administer the language and reading skills portion of the required diagnostic assessments to students in kindergarten through third grade for purposes of identifying students who need intensive remediation in reading under the third-grade reading guarantee.²⁹ (Continuing law, retained by the act, requires public schools to administer diagnostic assessments in reading, writing, and math to students in grades kindergarten through two and in reading and writing to students in grade three.³⁰)

Student attendance reporting

The act eliminates a condition in the school funding law that required the withdrawal of a student from a school district's enrollment if the student had 105 continuous hours of unexcused absences. That provision also required the district to take "appropriate action," such as filing a complaint against the child and the child's parent or guardian, if the student was withdrawn and the district board determined that the student was truant.

The act also specifies that a student in grades 9-12 is considered a full-time equivalent student if the student is enrolled in at least five units of instruction per school year.³¹

Admission of children placed in foster homes or residential facilities

The act prohibits public and nonpublic school officials from denying admission to a child placed in a foster home or residential facility (a group home for children, children's crisis care facility, children's residential center, residential parenting facility that provides 24-hour child care, county children's home, or district children's home) solely because, upon registration for entry into the school, the child does not present one of the following: a birth certificate; a comparable certificate or certification from another state, territory, possession, or nation; a passport or attested transcript of a passport filed with a registrar of passports at a point of entry of the United States showing the date and place of birth of the child; an attested transcript of the certificate of birth; an attested transcript of the certificate of baptism or other religious record

²⁹ R.C. 3301.0715(A)(2) and 3313.608(B)(1).

³⁰ R.C. 3301.079(D), not in the act.

³¹ R.C. 3317.034.



showing the date and place of birth of the child; an attested transcript of a hospital record showing the date and place of birth of the child; or a birth affidavit.³²

However, the child or the child's parent, custodian, or guardian must present one of these documents to the person in charge of admission of the school within 90 days after the child's initial entry into the school.

Teach for America licenses

The act requires that, in order to be issued a resident educator license by the State Board of Education, a participant in the Teach for America (TFA) Program who is assigned to teach in Ohio must remain an active member of the two-year TFA support program, in addition to meeting other specified conditions (see "**Background**," below) for the duration of the program. The act also requires the State Board to revoke a TFA participant's resident educator license, if that participant resigns or is dismissed from the program prior to completing the support program.³³

Background

Continuing law provides for the issuing of resident educator licenses to applicants who are assigned to teach in Ohio as participants in TFA. To be eligible for a resident educator license, an individual must be assigned to teach in Ohio as a participant in TFA or have completed two years of teaching in another state through TFA, and meet all of the following conditions:

- (1) Have a bachelor's degree;
- (2) Have an undergraduate grade point average of at least 2.5 out of 4.0;
- (3) Have passed the Praxis II subject area assessment in the teaching area; and
- (4) Have successfully completed TFA's summer training institute.³⁴

Montessori

Montessori community schools

The act expands the types of Montessori programs used by a community school that qualify the school to enroll children younger than age five. Specifically, it permits a

³² R.C. 3313.672.

³³ R.C. 3319.227.

³⁴ R.C. 3319.227.



community school to enroll children younger than five if it operates a program that uses the Montessori method endorsed by the Montessori Accreditation Council for Teacher Education as its primary method of instruction.³⁵ Preexisting law, enacted in 2014 by H.B. 487 of the 130th General Assembly, already permitted a community school to enroll children younger than five if it operates a program using the Montessori method endorsed by the American Montessori Society or the Association Montessori Internationale as its primary method of instruction.

The act also authorizes early childhood education funding for community schools that use the Montessori method endorsed by the Montessori Accreditation Council for Teacher Education.³⁶ H.B. 487 extended the definition of the term "new" eligible provider, under the preschool funding law, to include a community school that operates a Montessori program according to the provisions of H.B. 487. This change ensures that a school utilizing the method endorsed by the Montessori Accreditation Council for Teacher Education is included within the definition of "new" eligible provider.

Finally, the act specifies that, notwithstanding anything to the contrary in the Community School Law, children younger than five who are enrolled in a Montessori program must be offered at least 455 hours of learning opportunities per school year.³⁷ Continuing law, not amended by the act, requires every community school to provide at least 920 hours of learning opportunities to its school-aged students per school year.³⁸

Alternative resident educator license for Montessori teachers

The act requires the State Board to issue an alternative resident educator license to an applicant who holds a bachelor's degree and who has successfully completed a teacher education program offered by an institution accredited by the Montessori Accreditation Council for Teacher Education.³⁹ Law maintained by the act already requires the State Board to issue an alternative resident educator license to an applicant who holds a bachelor's degree and has successfully completed a teacher preparation program offered by either the American Montessori Society or the Association Montessori Internationale.

³⁵ R.C. 3314.06.

³⁶ Section 263.20 of H.B. 59 of the 130th General Assembly, amended in Sections 3 and 4 of the act.

³⁷ R.C. 3314.06.

³⁸ R.C. 3314.03(A)(11)(A).

³⁹ R.C. 3319.261.



Other education provisions

The act makes the following other revisions:

(1) Reappropriates, for fiscal year 2016, any unexpended, unencumbered funds remaining at the end of fiscal year 2015 for the Career Advising and Mentoring Grant Program in the Department of Education. The original \$10 million appropriation for this program, which disburses competitive grants, was made in 2014 by the general mid-biennium review act. The money is appropriated from lottery proceeds.⁴⁰

(2) Corrects an engrossing error from H.B. 487 of the 130th General Assembly, for which language that clarifies the manner in which state-required assessment questions become a public record was omitted.⁴¹

Diabetes care by nurses employed by educational service centers

The act permits a school district to contract with an educational service center (ESC) for the purpose of procuring the services of school nurses, registered nurses, and licensed practical nurses to provide diabetes care to students in the district.⁴² This care must be provided in accordance with continuing law regarding care for students with diabetes.⁴³ For more information about the requirements for care of students with diabetes, see the Final Analysis of H.B. 264 of the 130th General Assembly (www.lsc.state.oh.us/analyses130/14-hb264-130.pdf).

Instruction in prescription opioid abuse prevention

The act requires each school district to include instruction in prescription opioid abuse prevention in its health curriculum. This instruction must emphasize the prescription drug epidemic and the connection between prescription opioid abuse and addiction to other drugs, such as heroin.⁴⁴

Recommendations for instruction

The act requires the Governor's Cabinet Opiate Action Team to develop recommendations for the instruction in prescription opioid abuse prevention and

⁴⁰ Section 263.320 of H.B. 59 of the 130th General Assembly, amended in Sections 5 and 6 of the act.

⁴¹ R.C. 3301.0711(N).

⁴² R.C. 3313.68(B).

⁴³ R.C. 3313.7112 and 3313.713, neither in the act.

⁴⁴ R.C. 3313.60(A)(5)(f).



submit them to the Department of Education by July 1, 2015. Upon receiving the recommendations, the Department must publish them in a prominent location on its website for use by school districts in developing their health curricula.⁴⁵

Physician use of controlled substances to treat dependence or addiction

The act requires the State Medical Board to establish standards and procedures to be followed by physicians when using schedule III, IV, or V controlled substances to treat opioid dependence or addiction. The act also authorizes the Board to specify the practice type or location in which the standards and procedures are to apply.⁴⁶

The Board must establish standards and procedures in rules adopted in accordance with the Administrative Procedure Act (R.C. Chapter 119.). The standards and procedures apply to physicians who are medical doctors or osteopathic doctors.

Limits on personally furnishing controlled substances

Continuing law establishes limits on the amount of controlled substances a prescriber may personally furnish to or for patients. Under these limits, a prescriber (other than a veterinarian) cannot personally furnish more than either of the following:

- 2,500 dosage units in a 30-day period to all patients taken as a whole;
- A 72-hour supply for a patient's use in that period.

The State Board of Pharmacy is authorized to impose fines of not more than \$5,000 under continuing law for violating these limits.⁴⁷

The act modifies the conditions under which buprenorphine is not included in determining whether a prescriber has exceeded the limits.⁴⁸ Buprenorphine, which is used to treat opioid dependence, prevents withdrawal symptoms when someone stops taking opioid drugs by producing similar effects to the opioid drugs.⁴⁹

The act excludes buprenorphine when provided to treat drug dependence or addiction as part of an opioid treatment program. For the exclusion to apply, the opioid

⁴⁵ Section 9.

⁴⁶ R.C. 4731.056.

⁴⁷ R.C. 4729.291(C).

⁴⁸ R.C. 4729.291(D).

⁴⁹ U.S. National Library of Medicine, National Institutes of Health, *Buprenorphine Sublingual*, available at www.nlm.nih.gov/medlineplus/druginfo/meds/a605002.html.



treatment program must (1) be certified by the federal Substance Abuse and Mental Health Services Administration and (2) distribute both buprenorphine and methadone. Prior law excluded buprenorphine from consideration in determining whether the limits have been exceeded if the buprenorphine is provided to treat drug addiction by a prescriber who satisfies federal requirements so as to be exempt from separate registration with the federal Drug Enforcement Administration.⁵⁰

Terminal distributor license for prescriber businesses using buprenorphine

Under continuing law, certain prescriber-based business entities that possess dangerous drugs are exempt from the general requirement to be licensed by the State Board of Pharmacy as terminal distributors of dangerous drugs. For the exemption to apply, each shareholder, member, or partner must be authorized to prescribe drugs and to provide the health care professional services offered by the entity.⁵¹

Beginning April 1, 2015, the act requires such a business entity to hold a terminal distributor license in circumstances involving buprenorphine. Specifically, the business entity must be licensed in order to possess, have custody or control of, and distribute controlled substances containing buprenorphine that are used to treat drug dependence or addiction.⁵²

Conforming change

The act makes a conforming change that corresponds with its provisions regarding the conditions under which buprenorphine is not included in determining whether prescribers have exceeded their limits on personally furnishing controlled substances. Under continuing law, methadone is also excluded from consideration in determining whether the limits have been exceeded if the methadone is provided to treat drug addiction by a prescriber who meets certain conditions specified in the Code of Federal Regulations.⁵³ The act specifies that this provision also applies if the methadone is provided to treat drug dependence, which corresponds to what the act specifies for buprenorphine.⁵⁴

⁵⁰ R.C. 4729.291(D)(1)(b); see also 21 Code of Federal Regulations (C.F.R.) 1301.28.

⁵¹ R.C. 4729.51, not in the act, and 4729.541.

⁵² R.C. 4729.541(C)(2).

⁵³ See 21 C.F.R. 1306.07.

⁵⁴ R.C. 4729.291(D)(1).



HISTORY

ACTION	DATE
Introduced	12-02-13
Reported, H. Education	02-27-14
Passed House (95-1)	03-12-14
Reported, S. Education	12-10-14
Passed Senate (31-0)	12-11-14
House concurred in Senate amendments (65-25)	12-17-14

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