

As Passed by the Senate

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**

**Senators Beagle, Brown, Dolan, Eklund, Huffman, Lehner, Manning, Obhof,
O'Brien, Tavares, Thomas, Yuko**

A BILL

To amend sections 3311.056 and 3319.22 and to enact 1
section 3311.059 of the Revised Code and to 2
amend Section 503.05 of Am. Sub. H.B. 49 of the 3
132nd General Assembly to permit the addition of 4
appointed members to educational service center 5
boards, to permit a local school district to 6
sever its territory from one educational service 7
center and annex that territory to an adjacent 8
service center under specified conditions, to 9
authorize educational service centers to 10
establish local professional development 11
committees, and to modify eligibility for 12
community school classroom facilities grants. 13

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

Section 1. That sections 3311.056 and 3319.22 be amended 14
and section 3311.059 of the Revised Code be enacted to read as 15
follows: 16

Sec. 3311.056. ~~After at least one election of board~~ 17
~~members has occurred under division (B) of section 3313.053,~~ 18
~~division (C) of section 3311.054, or section 3311.057 of the~~ 19
~~Revised Code, the~~ The ~~elected governing board~~ members of an 20
educational service center ~~created under division (A) of section~~ 21
~~3311.053 of the Revised Code~~ governing board may by resolution 22
adopt a plan for adding appointed members to that governing 23
board. A plan may provide for adding to the board a number of 24
appointed members that is up to one less than the number of 25
elected members on the board except that the total number of 26
elected and appointed board members shall be an odd number. A 27
plan shall provide for the terms of the appointed board members. 28
The appointed board members in each plan shall be appointed by a 29
majority vote of the full number of elected members on the board 30
and vacancies shall be filled as provided in the plan. Each plan 31
shall specify the qualifications for the appointed board members 32
of an educational service center including the experience, 33
knowledge, and skills that advance the mission and vision of the 34
service center. Appointed members may be representative of the 35
client school districts of the service center that are not 36
otherwise represented on the board. As used in this section, 37
"client school district" has the same meaning as in section 38
~~3317.11~~ 3311.0510 of the Revised Code. 39

A governing board adopting a plan under this section shall 40
submit the plan to the state board of education for approval. 41
The state board may approve or disapprove a plan or make 42
recommendations for modifications in a plan. A plan shall take 43
effect thirty days after approval by the state board and, when 44
effective, appointments to the board shall be made in accordance 45
with the plan. 46

The elected members of the governing board of an 47

educational service center with a plan in effect under this 48
section may adopt, by unanimous vote of all the elected members, 49
a resolution to revise or rescind the plan in effect under this 50
section. All revisions shall comply with the requirements in 51
this section for appointed board members. A resolution revising 52
or rescinding a plan shall specify the dates and manner in which 53
the revision or rescission is to take place. The revision or 54
rescission of a plan shall be submitted to the state board of 55
education for approval. The state board may approve or 56
disapprove a revision or rescission of a plan or make 57
recommendations for modifications. Upon approval of a revision 58
or rescission by the state board, the revised plan or rescission 59
of the plan shall go into effect as provided in the revision or 60
rescission. 61

Sec. 3311.059. The procedure prescribed in this section 62
may be used in lieu of a transfer prescribed under section 63
3311.231 of the Revised Code. 64

(A) Subject to divisions (B) and (C) of this section, a 65
board of education of a local school district that severed and 66
annexed its territory under section 3311.059 of the Revised Code 67
as it existed prior to June 30, 2011, may by a resolution 68
approved by a majority of all its members propose to sever that 69
local school district from the territory of the educational 70
service center in which the local school district is currently 71
included and to instead annex the local school district to the 72
territory of another educational service center, the current 73
territory of which is adjacent to the territory of the 74
educational service center in which the local school district is 75
currently included. The resolution shall promptly be filed with 76
the governing board of each educational service center affected 77
by the resolution and with the superintendent of public 78

instruction.

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(B) The resolution adopted under division (A) of this
section shall not be effective unless it is approved by the
state board of education. In deciding whether to approve the
resolution, the state board shall consider the impact of an
annexation on both the school district and the educational
service center to which the district is proposed to be annexed,
including the ability of that service center to deliver services
in a cost-effective and efficient manner. The severance of the
local school district from one educational service center and
its annexation to another educational service center under this
section shall not be effective until one year after the first
day of July following the later of the date that the state board
of education approves the resolution or the date the board of
elections certifies the results of the referendum election as
provided in division (C) of this section.

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(C) Within sixty days following the date of the adoption
of the resolution under division (A) of this section, the
electors of the local school district may petition for a
referendum vote on the resolution. The question whether to
approve or disapprove the resolution shall be submitted to the
electors of such school district if a number of qualified
electors equal to twenty per cent of the number of electors in
the school district who voted for the office of governor at the
most recent general election for that office sign a petition
asking that the question of whether the resolution shall be
disapproved be submitted to the electors. The petition shall be
filed with the board of elections of the county in which the
school district is located. If the school district is located in
more than one county, the petition shall be filed with the board
of elections of the county in which the majority of the

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territory of the school district is located. The board shall 110
certify the validity and sufficiency of the signatures on the 111
petition. 112

The board of elections shall immediately notify the board 113
of education of the local school district and the governing 114
board of each educational service center affected by the 115
resolution that the petition has been filed. 116

The effect of the resolution shall be stayed until the 117
board of elections certifies the validity and sufficiency of the 118
signatures on the petition. If the board of elections determines 119
that the petition does not contain a sufficient number of valid 120
signatures and sixty days have passed since the adoption of the 121
resolution, the resolution shall become effective as provided in 122
division (B) of this section. 123

If the board of elections certifies that the petition 124
contains a sufficient number of valid signatures, the board 125
shall submit the question to the qualified electors of the 126
school district on the day of the next general or primary 127
election held at least ninety days after the board of elections 128
certifies the validity and sufficiency of signatures on the 129
petition. The election shall be conducted and canvassed and the 130
results shall be certified in the same manner as in regular 131
elections for the election of members of a board of education. 132

If a majority of the electors voting on the question 133
disapprove the resolution, the resolution shall not become 134
effective. If a majority of the electors voting on the question 135
approve the resolution, the resolution shall become effective as 136
provided in division (B) of this section. 137

(D) Upon the effective date of the severance of the local 138

school district from one educational service center and its 139
annexation to another educational service center as provided in 140
division (B) of this section, the governing board of each 141
educational service center shall take such steps for the 142
election of members of the governing board and for organization 143
of the governing board as prescribed in Chapter 3313. of the 144
Revised Code. 145

(E) If a school district is severed from one educational 146
service center and annexed to another service center under this 147
section, the board of education of that school district shall 148
not propose a subsequent severance and annexation action under 149
this section that would be effective sooner than four years 150
after the effective date of the next previous severance and 151
annexation action under this section. 152

Sec. 3319.22. (A) (1) The state board of education shall 153
issue the following educator licenses: 154

(a) A resident educator license, which shall be valid for 155
four years and shall be renewable for reasons specified by rules 156
adopted by the state board pursuant to division (A) (3) of this 157
section. The state board, on a case-by-case basis, may extend 158
the license's duration as necessary to enable the license holder 159
to complete the Ohio teacher residency program established under 160
section 3319.223 of the Revised Code; 161

(b) A professional educator license, which shall be valid 162
for five years and shall be renewable; 163

(c) A senior professional educator license, which shall be 164
valid for five years and shall be renewable; 165

(d) A lead professional educator license, which shall be 166
valid for five years and shall be renewable. 167

(2) The state board may issue any additional educator licenses of categories, types, and levels the board elects to provide. 168
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(3) The state board shall adopt rules establishing the standards and requirements for obtaining each educator license issued under this section. The rules shall also include the reasons for which a resident educator license may be renewed under division (A) (1) (a) of this section. 171
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(B) The rules adopted under this section shall require at least the following standards and qualifications for the educator licenses described in division (A) (1) of this section: 176
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(1) An applicant for a resident educator license shall hold at least a bachelor's degree from an accredited teacher preparation program or be a participant in the teach for America program and meet the qualifications required under section 3319.227 of the Revised Code. 179
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(2) An applicant for a professional educator license shall: 184
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(a) Hold at least a bachelor's degree from an institution of higher education accredited by a regional accrediting organization; 186
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(b) Have successfully completed the Ohio teacher residency program established under section 3319.223 of the Revised Code, if the applicant's current or most recently issued license is a resident educator license issued under this section or an alternative resident educator license issued under section 3319.26 of the Revised Code. 189
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(3) An applicant for a senior professional educator license shall: 195
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| (a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization; | 197 198 199 |
| (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; | 200 201 202 |
| (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. | 203 204 205 206 |
| (4) An applicant for a lead professional educator license shall: | 207 208 |
| (a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization; | 209 210 211 |
| (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; | 212 213 214 215 |
| (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; | 216 217 218 |
| (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. | 219 220 221 222 223 |
| (C) The state board shall align the standards and | 224 |

qualifications for obtaining a principal license with the 225
standards for principals adopted by the state board under 226
section 3319.61 of the Revised Code. 227

(D) If the state board requires any examinations for 228
educator licensure, the department of education shall provide 229
the results of such examinations received by the department to 230
the chancellor of higher education, in the manner and to the 231
extent permitted by state and federal law. 232

(E) Any rules the state board of education adopts, amends, 233
or rescinds for educator licenses under this section, division 234
(D) of section 3301.07 of the Revised Code, or any other law 235
shall be adopted, amended, or rescinded under Chapter 119. of 236
the Revised Code except as follows: 237

(1) Notwithstanding division (E) of section 119.03 and 238
division (A)(1) of section 119.04 of the Revised Code, in the 239
case of the adoption of any rule or the amendment or rescission 240
of any rule that necessitates institutions' offering preparation 241
programs for educators and other school personnel that are 242
approved by the chancellor of higher education under section 243
3333.048 of the Revised Code to revise the curriculum of those 244
programs, the effective date shall not be as prescribed in 245
division (E) of section 119.03 and division (A)(1) of section 246
119.04 of the Revised Code. Instead, the effective date of such 247
rules, or the amendment or rescission of such rules, shall be 248
the date prescribed by section 3333.048 of the Revised Code. 249

(2) Notwithstanding the authority to adopt, amend, or 250
rescind emergency rules in division (G) of section 119.03 of the 251
Revised Code, this authority shall not apply to the state board 252
of education with regard to rules for educator licenses. 253

(F) (1) The rules adopted under this section establishing 254
standards requiring additional coursework for the renewal of any 255
educator license shall require a school district and a chartered 256
nonpublic school to establish local professional development 257
committees. In a nonpublic school, the chief administrative 258
officer shall establish the committees in any manner acceptable 259
to such officer. The committees established under this division 260
shall determine whether coursework that a district or chartered 261
nonpublic school teacher proposes to complete meets the 262
requirement of the rules. The department of education shall 263
provide technical assistance and support to committees as the 264
committees incorporate the professional development standards 265
adopted by the state board of education pursuant to section 266
3319.61 of the Revised Code into their review of coursework that 267
is appropriate for license renewal. The rules shall establish a 268
procedure by which a teacher may appeal the decision of a local 269
professional development committee. 270

(2) In any school district in which there is no exclusive 271
representative established under Chapter 4117. of the Revised 272
Code, the professional development committees shall be 273
established as described in division (F) (2) of this section. 274

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

a district-level or building-level scope of operations, and may 285
be established with regard to particular grade or age levels for 286
which an educator license is designated. 287

Each professional development committee shall consist of 288
at least three classroom teachers employed by the district, one 289
principal employed by the district, and one other employee of 290
the district appointed by the district superintendent. For 291
committees with a building-level scope, the teacher and 292
principal members shall be assigned to that building, and the 293
teacher members shall be elected by majority vote of the 294
classroom teachers assigned to that building. For committees 295
with a district-level scope, the teacher members shall be 296
elected by majority vote of the classroom teachers of the 297
district, and the principal member shall be elected by a 298
majority vote of the principals of the district, unless there 299
are two or fewer principals employed by the district, in which 300
case the one or two principals employed shall serve on the 301
committee. If a committee has a particular grade or age level 302
scope, the teacher members shall be licensed to teach such grade 303
or age levels, and shall be elected by majority vote of the 304
classroom teachers holding such a license and the principal 305
shall be elected by all principals serving in buildings where 306
any such teachers serve. The district superintendent shall 307
appoint a replacement to fill any vacancy that occurs on a 308
professional development committee, except in the case of 309
vacancies among the elected classroom teacher members, which 310
shall be filled by vote of the remaining members of the 311
committee so selected. 312

Terms of office on professional development committees 313
shall be prescribed by the district board establishing the 314
committees. The conduct of elections for members of professional 315

development committees shall be prescribed by the district board 316
establishing the committees. A professional development 317
committee may include additional members, except that the 318
majority of members on each such committee shall be classroom 319
teachers employed by the district. Any member appointed to fill 320
a vacancy occurring prior to the expiration date of the term for 321
which a predecessor was appointed shall hold office as a member 322
for the remainder of that term. 323

The initial meeting of any professional development 324
committee, upon election and appointment of all committee 325
members, shall be called by a member designated by the district 326
superintendent. At this initial meeting, the committee shall 327
select a chairperson and such other officers the committee deems 328
necessary, and shall adopt rules for the conduct of its 329
meetings. Thereafter, the committee shall meet at the call of 330
the chairperson or upon the filing of a petition with the 331
district superintendent signed by a majority of the committee 332
members calling for the committee to meet. 333

(3) In the case of a school district in which an exclusive 334
representative has been established pursuant to Chapter 4117. of 335
the Revised Code, professional development committees shall be 336
established in accordance with any collective bargaining 337
agreement in effect in the district that includes provisions for 338
such committees. 339

If the collective bargaining agreement does not specify a 340
different method for the selection of teacher members of the 341
committees, the exclusive representative of the district's 342
teachers shall select the teacher members. 343

If the collective bargaining agreement does not specify a 344
different structure for the committees, the board of education 345

of the school district shall establish the structure, including 346
the number of committees and the number of teacher and 347
administrative members on each committee; the specific 348
administrative members to be part of each committee; whether the 349
scope of the committees will be district levels, building 350
levels, or by type of grade or age levels for which educator 351
licenses are designated; the lengths of terms for members; the 352
manner of filling vacancies on the committees; and the frequency 353
and time and place of meetings. However, in all cases, except as 354
provided in division (F) (4) of this section, there shall be a 355
majority of teacher members of any professional development 356
committee, there shall be at least five total members of any 357
professional development committee, and the exclusive 358
representative shall designate replacement members in the case 359
of vacancies among teacher members, unless the collective 360
bargaining agreement specifies a different method of selecting 361
such replacements. 362

(4) Whenever an administrator's coursework plan is being 363
discussed or voted upon, the local professional development 364
committee shall, at the request of one of its administrative 365
members, cause a majority of the committee to consist of 366
administrative members by reducing the number of teacher members 367
voting on the plan. 368

(G) (1) The department of education, educational service 369
centers, county boards of developmental disabilities, ~~regional~~ 370
~~professional development centers, special education regional~~ 371
~~resource centers,~~ college and university departments of 372
education, head start programs, and the Ohio education computer 373
network may establish local professional development committees 374
to determine whether the coursework proposed by their employees 375
who are licensed or certificated under this section or section 376

3319.222 of the Revised Code, or under the former version of 377
either section as it existed prior to October 16, 2009, meet the 378
requirements of the rules adopted under this section. They may 379
establish local professional development committees on their own 380
or in collaboration with a school district or other agency 381
having authority to establish them. 382

Local professional development committees established by 383
county boards of developmental disabilities shall be structured 384
in a manner comparable to the structures prescribed for school 385
districts in divisions (F) (2) and (3) of this section, as shall 386
the committees established by any other entity specified in 387
division (G) (1) of this section that provides educational 388
services by employing or contracting for services of classroom 389
teachers licensed or certificated under this section or section 390
3319.222 of the Revised Code, or under the former version of 391
either section as it existed prior to October 16, 2009. All 392
other entities specified in division (G) (1) of this section 393
shall structure their committees in accordance with guidelines 394
which shall be issued by the state board. 395

(2) Educational service centers may establish local 396
professional development committees to serve educators who are 397
not employed in schools in this state, including pupil services 398
personnel who are licensed under this section. Local 399
professional development committees shall be structured in a 400
manner comparable to the structures prescribed for school 401
districts in divisions (F) (2) and (3) of this section. 402

These committees may agree to review the coursework, 403
continuing education units, or other equivalent activities 404
related to classroom teaching or the area of licensure that is 405
proposed by an individual who satisfies both of the following 406

conditions: 407

(a) The individual is licensed or certificated under this section or under the former version of this section as it existed prior to October 16, 2009. 408
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(b) The individual is not currently employed as an educator or is not currently employed by an entity that operates a local professional development committee under this section. 411
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Any committee that agrees to work with such an individual shall work to determine whether the proposed coursework, continuing education units, or other equivalent activities meet the requirements of the rules adopted by the state board under this section. 414
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(3) Any public agency that is not specified in ~~division~~ divisions (G) (1) or (2) of this section but provides educational services and employs or contracts for services of classroom teachers licensed or certificated under this section or section 3319.222 of the Revised Code, or under the former version of either section as it existed prior to October 16, 2009, may establish a local professional development committee, subject to the approval of the department of education. The committee shall be structured in accordance with guidelines issued by the state board. 419
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(H) Not later than July 1, 2016, the state board, in accordance with Chapter 119. of the Revised Code, shall adopt rules pursuant to division (A) (3) of this section that do both of the following: 429
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(1) Exempt consistently high-performing teachers from the requirement to complete any additional coursework for the renewal of an educator license issued under this section or 433
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section 3319.26 of the Revised Code. The rules also shall 436
specify that such teachers are exempt from any requirements 437
prescribed by professional development committees established 438
under divisions (F) and (G) of this section. 439

(2) For purposes of division (H)(1) of this section, the 440
state board shall define the term "consistently high-performing 441
teacher." 442

Section 2. That existing sections 3311.056 and 3319.22 of 443
the Revised Code are hereby repealed. 444

Section 3. That Section 503.05 of Am. Sub. H.B. 49 of the 445
132nd General Assembly be amended to read as follows: 446

Sec. 503.05. All items set forth in this section are 447
hereby appropriated for the biennium beginning on July 1, 2017, 448
and ending on June 30, 2019, out of any moneys in the state 449
treasury to the credit of the Public School Building Fund (Fund 450
7021) that are not otherwise appropriated. The appropriation 451
made in this section is in addition to any other appropriations 452
made for the FY 2018-FY 2019 biennium 453

Appropriations 454

FCC OHIO FACILITIES CONSTRUCTION COMMISSION 455

C230W4 Community School Classroom Facilities Grants \$ 7,989,174 456

TOTAL Public School Building Fund \$ 7,989,174 457

COMMUNITY SCHOOL CLASSROOM FACILITIES GRANTS 458

The foregoing appropriation item C230W4, Community School 459
Classroom Facilities Grants, may be used by the Ohio Facilities 460
Construction Commission to provide grant funding to an eligible 461
high-performing community school established under Chapter 3314. 462

of the Revised Code. 463

For purposes of this section, an "eligible high-performing 464
community school" means a community school that has available 465
and has certified it will supply, at least fifty per cent of the 466
cost of the project funded under this section and that meets the 467
following other conditions: 468

(A) Except as provided in division (B) or (C) of this 469
section, the school both: 470

(1) Has received a grade of "A," "B," or "C" for the 471
performance index score under division (C) (1) (b) of section 472
3302.03 of the Revised Code or has increased its performance 473
index score under division (C) (1) (b) of section 3302.03 of the 474
Revised Code in each of the previous three years of operation; 475
and 476

(2) Has received a grade of "A" or "B" for the value-added 477
progress dimension under division (C) (1) (e) of section 3302.03 478
of the Revised Code on its most recent report card issued under 479
that section. 480

(B) If the school serves only grades kindergarten through 481
three, the school received a grade of "A" or "B" for making 482
progress in improving literacy in grades kindergarten through 483
three under division (C) (1) (g) of section 3302.03 of the Revised 484
Code on its most recent report card issued under that section. 485

(C) If the school primarily serves students enrolled in a 486
dropout prevention and recovery program as described in division 487
(A) (4) (a) of section 3314.35 of the Revised Code, the school 488
received a rating of "exceeds standards" on its most recent 489
report card issued under section 3314.017 of the Revised Code. 490

Notwithstanding the definition of an eligible high- 491

performing community school under divisions (A) to (C) of this 492
section, a newly established community school may be eligible 493
for assistance under this section if it is implementing a 494
community school model that has a track record of high-quality 495
academic performance, as determined by the Department of 496
Education. 497

The foregoing appropriation may be used for the purchase, 498
construction, reconstruction, renovation, remodeling, or 499
addition to classroom facilities. A grant may be awarded to an 500
eligible high-performing community school that demonstrates that 501
the funds will be used to purchase or support classroom 502
facilities construction or modifications that increase the 503
supply of seats in effective schools, service specific unmet 504
student needs through community school education, and show 505
innovation in design and potential as a successful, replicable 506
school model. The Ohio Facilities Construction Commission may 507
award a grant to an eligible high-performing community school 508
upon the approval of a grant application by the Executive 509
Director of the Commission and the Superintendent of Public 510
Instruction. A facility that is purchased, constructed, or 511
modified by the grant funds shall be used for educational 512
purposes for a minimum of ten years after receiving the grant 513
funds. The Ohio Facilities Construction Commission, in 514
consultation with the Superintendent of Public Instruction, 515
shall develop guidelines and may adopt rules under Chapter 111. 516
of the Revised Code for the administration of the grants, 517
including provisions for the ownership and disposal of the 518
facilities funded under this section in the event the community 519
school closes at any time. The Ohio Facilities Construction 520
Commission shall conduct at least three rounds of grant funding, 521
including any rounds that commenced prior to the effective date 522

of this amendment. A community school shall not be disqualified 523
from receiving the grant based on prior participation in the 524
program. Notwithstanding any provision of law to the contrary, 525
all Revised Code exemptions applicable to grants awarded and 526
projects administered by the Ohio Facilities Construction 527
Commission shall apply to the grants pursuant to this section. 528

Section 4. That existing Section 503.05 of Am. Sub. H.B. 529
49 of the 132nd General Assembly is hereby repealed. 530