

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 368

Senator Brenner

A BILL

To amend section 3301.07 of the Revised Code to
require the use of phonics as the primary
technique for teaching reading and writing in
grades kindergarten through five and to make an
appropriation. 1
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3301.07 of the Revised Code be
amended to read as follows: 6
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Sec. 3301.07. The state board of education shall exercise
under the acts of the general assembly general supervision of
the system of public education in the state. In addition to the
powers otherwise imposed on the state board under the provisions
of law, the board shall have the powers described in this
section. 8
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(A) The state board shall exercise policy forming,
planning, and evaluative functions for the public schools of the
state except as otherwise provided by law. 14
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(B) (1) The state board shall exercise leadership in the
improvement of public education in this state, and administer
the educational policies of this state relating to public 17
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schools, and relating to instruction and instructional material, 20
building and equipment, transportation of pupils, administrative 21
responsibilities of school officials and personnel, and finance 22
and organization of school districts, educational service 23
centers, and territory. Consultative and advisory services in 24
such matters shall be provided by the board to school districts 25
and educational service centers of this state. 26

(2) The state board also shall develop a standard of 27
financial reporting which shall be used by each school district 28
board of education and each governing board of an educational 29
service center, each governing authority of a community school 30
established under Chapter 3314., each governing body of a STEM 31
school established under Chapter 3328., and each board of 32
trustees of a college-preparatory boarding school established 33
under Chapter 3328. of the Revised Code to make its financial 34
information and annual budgets for each school building under 35
its control available to the public in a format understandable 36
by the average citizen. The format shall show, both at the 37
district and at the school building level, revenue by source; 38
expenditures for salaries, wages, and benefits of employees, 39
showing such amounts separately for classroom teachers, other 40
employees required to hold licenses issued pursuant to sections 41
3319.22 to 3319.31 of the Revised Code, and all other employees; 42
expenditures other than for personnel, by category, including 43
utilities, textbooks and other educational materials, equipment, 44
permanent improvements, pupil transportation, extracurricular 45
athletics, and other extracurricular activities; and per pupil 46
expenditures. The format shall also include information on total 47
revenue and expenditures, per pupil revenue, and expenditures 48
for both classroom and nonclassroom purposes, as defined by the 49
standards adopted under section 3302.20 of the Revised Code in 50

the aggregate and for each subgroup of students, as defined by 51
section 3317.40 of the Revised Code, that receives services 52
provided for by state or federal funding. 53

(3) Each school district board, governing authority, 54
governing body, or board of trustees, or its respective 55
designee, shall annually report, to the department of education, 56
all financial information required by the standards for 57
financial reporting, as prescribed by division (B) (2) of this 58
section and adopted by the state board. The department shall 59
make all reports submitted pursuant to this division available 60
in such a way that allows for comparison between financial 61
information included in these reports and financial information 62
included in reports produced prior to July 1, 2013. The 63
department shall post these reports in a prominent location on 64
its web site and shall notify each school when reports are made 65
available. 66

(C) The state board shall administer and supervise the 67
allocation and distribution of all state and federal funds for 68
public school education under the provisions of law, and may 69
prescribe such systems of accounting as are necessary and proper 70
to this function. It may require county auditors and treasurers, 71
boards of education, educational service center governing 72
boards, treasurers of such boards, teachers, and other school 73
officers and employees, or other public officers or employees, 74
to file with it such reports as it may prescribe relating to 75
such funds, or to the management and condition of such funds. 76

(D) (1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 77
XLVII, and LI of the Revised Code a reference is made to 78
standards prescribed under this section or division (D) of this 79
section, that reference shall be construed to refer to the 80

standards prescribed under division (D) (2) of this section, 81
unless the context specifically indicates a different meaning or 82
intent. 83

(2) The state board shall formulate and prescribe minimum 84
standards to be applied to all elementary and secondary schools 85
in this state for the purpose of providing children access to a 86
general education of high quality according to the learning 87
needs of each individual, including students with disabilities, 88
economically disadvantaged students, limited English proficient 89
students, and students identified as gifted. Such standards 90
shall provide adequately for: the licensing of teachers, 91
administrators, and other professional personnel and their 92
assignment according to training and qualifications; efficient 93
and effective instructional materials and equipment, including 94
library facilities; the proper organization, administration, and 95
supervision of each school, including regulations for preparing 96
all necessary records and reports and the preparation of a 97
statement of policies and objectives for each school; the 98
provision of safe buildings, grounds, health and sanitary 99
facilities and services; admission of pupils, and such 100
requirements for their promotion from grade to grade as will 101
assure that they are capable and prepared for the level of study 102
to which they are certified; requirements for graduation; and 103
such other factors as the board finds necessary. 104

The state board shall base any standards governing the 105
promotion of students or requirements for graduation on the 106
ability of students, at any grade level, to earn credits or 107
advance upon demonstration of mastery of knowledge and skills 108
through competency-based learning models. Credits of grade level 109
advancement shall not require a minimum number of days or hours 110
in a classroom. 111

The state board shall base any standards governing the 112
assignment of staff on ensuring each school has a sufficient 113
number of teachers to ensure a student has an appropriate level 114
of interaction to meet each student's personal learning goals. 115

In the formulation and administration of such standards 116
for nonpublic schools the board shall also consider the 117
particular needs, methods and objectives of those schools, 118
provided they do not conflict with the provision of a general 119
education of a high quality and provided that regular procedures 120
shall be followed for promotion from grade to grade of pupils 121
who have met the educational requirements prescribed. 122

(3) In addition to the minimum standards required by 123
division (D)(2) of this section, the state board may formulate 124
and prescribe the following additional minimum operating 125
standards for school districts: 126

(a) Standards for the effective and efficient 127
organization, administration, and supervision of each school 128
district with a commitment to high expectations for every 129
student based on the learning needs of each individual, 130
including students with disabilities, economically disadvantaged 131
students, limited English proficient students, and students 132
identified as gifted, and commitment to closing the achievement 133
gap without suppressing the achievement levels of higher 134
achieving students so that all students achieve core knowledge 135
and skills in accordance with the statewide academic standards 136
adopted under section 3301.079 of the Revised Code; 137

(b) Standards for the establishment of business advisory 138
councils under section 3313.82 of the Revised Code; 139

(c) Standards for school district buildings that may 140

require the effective and efficient organization, 141
administration, and supervision of each school district building 142
with a commitment to high expectations for every student based 143
on the learning needs of each individual, including students 144
with disabilities, economically disadvantaged students, limited 145
English proficient students, and students identified as gifted, 146
and commitment to closing the achievement gap without 147
suppressing the achievement levels of higher achieving students 148
so that all students achieve core knowledge and skills in 149
accordance with the statewide academic standards adopted under 150
section 3301.079 of the Revised Code. 151

(E) The state board may require as part of the health 152
curriculum information developed under section 2108.34 of the 153
Revised Code promoting the donation of anatomical gifts pursuant 154
to Chapter 2108. of the Revised Code and may provide the 155
information to high schools, educational service centers, and 156
joint vocational school district boards of education; 157

(F) The state board shall prepare and submit annually to 158
the governor and the general assembly a report on the status, 159
needs, and major problems of the public schools of the state, 160
with recommendations for necessary legislative action and a ten- 161
year projection of the state's public and nonpublic school 162
enrollment, by year and by grade level. 163

(G) The state board shall prepare and submit to the 164
director of budget and management the biennial budgetary 165
requests of the state board of education, for its agencies and 166
for the public schools of the state. 167

(H) The state board shall cooperate with federal, state, 168
and local agencies concerned with the health and welfare of 169
children and youth of the state. 170

(I) The state board shall require such reports from school 171
districts and educational service centers, school officers, and 172
employees as are necessary and desirable. The superintendents 173
and treasurers of school districts and educational service 174
centers shall certify as to the accuracy of all reports required 175
by law or state board or state department of education rules to 176
be submitted by the district or educational service center and 177
which contain information necessary for calculation of state 178
funding. Any superintendent who knowingly falsifies such report 179
shall be subject to license revocation pursuant to section 180
3319.31 of the Revised Code. 181

(J) In accordance with Chapter 119. of the Revised Code, 182
the state board shall adopt procedures, standards, and 183
guidelines for the education of children with disabilities 184
pursuant to Chapter 3323. of the Revised Code, including 185
procedures, standards, and guidelines governing programs and 186
services operated by county boards of developmental disabilities 187
pursuant to section 3323.09 of the Revised Code. 188

(K) For the purpose of encouraging the development of 189
special programs of education for academically gifted children, 190
the state board shall employ competent persons to analyze and 191
publish data, promote research, advise and counsel with boards 192
of education, and encourage the training of teachers in the 193
special instruction of gifted children. The board may provide 194
financial assistance out of any funds appropriated for this 195
purpose to boards of education and educational service center 196
governing boards for developing and conducting programs of 197
education for academically gifted children. 198

(L) The state board shall require that all public schools 199
emphasize and encourage, within existing units of study, the 200

teaching of energy and resource conservation as recommended to 201
each district board of education by leading business persons 202
involved in energy production and conservation, beginning in the 203
primary grades. 204

(M) The state board shall formulate and prescribe minimum 205
standards requiring the use of phonics as a technique in the 206
teaching of reading and writing in grades kindergarten through 207
~~three~~ five. In addition, the state board shall provide in- 208
service training programs for teachers on the use of phonics as 209
a technique in the teaching of reading and writing in grades 210
kindergarten through ~~three~~ five. 211

(N) The state board may adopt rules necessary for carrying 212
out any function imposed on it by law, and may provide rules as 213
are necessary for its government and the government of its 214
employees, and may delegate to the superintendent of public 215
instruction the management and administration of any function 216
imposed on it by law. It may provide for the appointment of 217
board members to serve on temporary committees established by 218
the board for such purposes as are necessary. Permanent or 219
standing committees shall not be created. 220

(O) Upon application from the board of education of a 221
school district, the superintendent of public instruction may 222
issue a waiver exempting the district from compliance with the 223
standards adopted under divisions (B)(2) and (D) of this 224
section, as they relate to the operation of a school operated by 225
the district. The state board shall adopt standards for the 226
approval or disapproval of waivers under this division. The 227
state superintendent shall consider every application for a 228
waiver, and shall determine whether to grant or deny a waiver in 229
accordance with the state board's standards. For each waiver 230

granted, the state superintendent shall specify the period of 231
time during which the waiver is in effect, which shall not 232
exceed five years. A district board may apply to renew a waiver. 233

Section 2. That existing section 3301.07 of the Revised 234
Code is hereby repealed. 235

Section 3. All items in this section are hereby 236
appropriated as designated out of any moneys in the state 237
treasury to the credit of the designated fund. For all 238
appropriations made in this act, those in the first column are 239
for fiscal year 2020 and those in the second column are for 240
fiscal year 2021. The appropriations made in this act are in 241
addition to any other appropriations made for the FY 2020-FY 242
2021 biennium. 243

EDU DEPARTMENT OF EDUCATION 244

General Revenue Fund 245

GRF 200448	Educator Preparation	\$10,000,000	\$10,000,000	246
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TOTAL GRF General Revenue Fund		\$10,000,000	\$10,000,000	247
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TOTAL ALL BUDGET FUND GROUPS		\$10,000,000	\$10,000,000	248
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EDUCATOR PREPARATION 249

The foregoing appropriation item 200448, Educator 250
Preparation, shall be used by the Department of Education to 251
award grants to city, local, and exempted village school 252
districts to support professional development for English 253
language arts teachers related to the use of phonics as a 254
technique for teaching reading and writing to students in grades 255
kindergarten through five pursuant to division (M) of section 256
3301.07 of the Revised Code. 257

The Superintendent of Public Instruction shall administer 258

and award the grants. The Superintendent shall prescribe an 259
application form, establish procedures for the consideration and 260
approval of grant applications, and determine the amount of the 261
grant awards. 262

Section 4. Within the limits set forth in this act, the 263
Director of Budget and Management shall establish accounts 264
indicating the source and amount of funds for each appropriation 265
made in this act, and shall determine the form and manner in 266
which appropriation accounts shall be maintained. Expenditures 267
from appropriations contained in this act shall be accounted for 268
as though made in the main operating appropriations act of the 269
133rd General Assembly. 270

The appropriations made in this act are subject to all 271
provisions of the main operating appropriations act of the 133rd 272
General Assembly that are generally applicable to such 273
appropriations. 274