

As Reported by the Senate Education Committee

135th General Assembly

Regular Session

2023-2024

Sub. H. B. No. 432

Representative Jones

Cosponsors: Representatives Robb Blasdel, Dean, Demetriou, Seitz, Dell'Aquila, Click, White, Klopfenstein, Carruthers, Miller, K., Manning, Dobos, Barhorst, Bird, Brennan, Brown, Creech, Cutrona, Daniels, Edwards, Forhan, Gross, Hall, John, Johnson, Kick, Lampton, Lear, Lorenz, Mathews, Miller, A., Patton, Peterson, Ray, Santucci, Schmidt, Thomas, C., Wiggam, Williams, Willis, Young, T.

Senator Brenner

A BILL

To amend sections 3314.023, 3319.226, 3319.229, 1
3319.233, 3319.31, 3319.325, 3319.326, 3319.327, 2
3320.04, and 3326.04 and to enact section 3
3319.2212 of the Revised Code regarding the 4
teaching of career-technical education, the STEM 5
Program of Excellence designation, and student 6
data privacy, to make corrective changes to 7
education law, and to declare an emergency. 8

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

Section 1. That sections 3314.023, 3319.226, 3319.229, 9
3319.233, 3319.31, 3319.325, 3319.326, 3319.327, 3320.04, and 10
3326.04 be amended and section 3319.2212 of the Revised Code be 11
enacted to read as follows: 12

Sec. 3314.023. A sponsor shall provide monitoring, 13
oversight, and technical assistance to each school that it 14

sponsors. In order to provide monitoring, oversight, and 15
technical assistance, a representative of the sponsor of a 16
community school shall meet with the governing authority or 17
fiscal officer of the school and shall review the financial and 18
enrollment records of the school at least once every month. Not 19
later than ten days after each review, the sponsor shall provide 20
the governing authority and fiscal officer with a written report 21
regarding the review. Copies of those financial and enrollment 22
records shall be furnished to the community school sponsor and 23
operator, members of the governing authority, and the fiscal 24
officer designated in section 3314.011 of the Revised Code on a 25
monthly basis. 26

If a community school closes or is permanently closed, the 27
designated fiscal officer shall deliver all financial and 28
enrollment records to the school's sponsor within thirty days of 29
the school's closure. If the fiscal officer fails to provide the 30
records in a timely manner, or fails to faithfully perform any 31
of the fiscal officer's other duties, the sponsor has the right 32
of action against the fiscal officer to compel delivery of all 33
financial and enrollment records of the school and shall, if 34
necessary, seek recovery of any funds owed as a result of any 35
finding of recovery by the auditor of state against the fiscal 36
officer. 37

For purposes of this chapter, "monitoring, oversight, and 38
technical assistance" shall include the following: 39

(A) Monitoring the community school's compliance with all 40
laws applicable to the school and with the terms of the 41
contract; 42

(B) Monitoring and evaluating the academic and fiscal 43
performance and the organization and operation of the community 44

school on at least an annual basis. The evaluation of a school's 45
academic and fiscal performance shall be based on the 46
performance requirements specified in the contract between the 47
sponsor and the governing authority under section 3314.03 of the 48
Revised Code, the state report cards issued for the school under 49
section 3302.03 or 3314.017 of the Revised Code, and any other 50
analysis conducted by the department of education and workforce. 51

~~(C) Reporting on an annual basis the results of the 52
evaluation conducted under division (D) (2) of section 3314.03 of 53
the Revised Code to the department of education and workforce 54
and to the parents of students enrolled in the community school; 55~~

~~(D) Providing technical assistance to the community school 56
in complying with laws applicable to the school and terms of the 57
contract; 58~~

~~(E) (D) Taking steps to intervene in the school's 59
operation to correct problems in the school's overall 60
performance, declaring the school to be on probationary status 61
pursuant to section 3314.073 of the Revised Code, suspending the 62
operation of the school pursuant to section 3314.072 of the 63
Revised Code, or terminating the contract of the school pursuant 64
to section 3314.07 of the Revised Code as determined necessary 65
by the sponsor; 66~~

~~(F) (E) Having in place a plan of action to be undertaken 67
in the event the community school experiences financial 68
difficulties or closes prior to the end of a school year. 69~~

~~(G) (F) Other activities designed to specifically benefit 70
the community school the entity sponsors. 71~~

Sec. 3319.226. (A) Beginning July 1, 2019, the state board 72
of education shall issue educator licenses for substitute 73

teaching only under this section. 74

(B) Except as provided in division (E) of this section, 75
the state board shall adopt rules establishing standards and 76
requirements for obtaining a license under this section and for 77
renewal of the license. Except as provided in division ~~(F)~~(G) 78
of section 3319.229 of the Revised Code, the rules shall require 79
an applicant to hold a post-secondary degree, but not in any 80
specified subject area. The rules also shall allow the holder of 81
a license issued under this section to work: 82

(1) For an unlimited number of school days if the license 83
holder has a post-secondary degree in either education or a 84
subject area directly related to the subject of the class the 85
license holder will teach; 86

(2) For one full semester, subject to the approval of the 87
employing school district board of education, if the license 88
holder has a post-secondary degree in a subject area that is not 89
directly related to the subject of the class that the license 90
holder will teach. 91

The district superintendent may request that the board 92
approve one or more additional subsequent semester-long periods 93
of teaching for the license holder. 94

(C) The rules adopted under division (B) of this section 95
shall permit a substitute career-technical teaching license 96
holder to teach outside the license holder's certified career 97
field for up to one semester, subject to approval of the 98
employing school district superintendent. 99

(D) Any license issued or renewed under former section 100
3319.226 of the Revised Code that was still in force on November 101
2, 2018, shall remain in force for the remainder of the term for 102

which it was issued or renewed. Upon the expiration of that 103
term, the holder of that license shall be subject to licensure 104
under the rules adopted under this section. 105

(E) The state board shall issue an educator license for 106
substitute teaching in accordance with Chapter 4796. of the 107
Revised Code to an applicant if either of the following applies: 108

(1) The applicant holds a license in another state. 109

(2) The applicant has satisfactory work experience, a 110
government certification, or a private certification as 111
described in that chapter as a substitute teacher in a state 112
that does not issue that license. 113

Sec. 3319.229. (A) (1) Notwithstanding the repeal of former 114
section 3319.229 of the Revised Code by S.B. 216 of the 132nd 115
general assembly, the state board of education shall accept 116
applications for new, and for renewal of, professional career- 117
technical teaching licenses through June 30, 2019, and issue 118
them on the basis of the applications received by that date in 119
accordance with the rules described in that former section. 120
Except as otherwise provided in section 3319.2212 of the Revised 121
Code, and divisions (A) (2) and (3) of this section, beginning 122
July 1, 2019, the state board shall issue career-technical 123
workforce development educator licenses only under this section. 124

(2) An individual who, on July 1, 2019, holds a 125
professional career-technical teaching license issued under the 126
rules described in former section 3319.229 of the Revised Code, 127
may continue to renew that license in accordance with those 128
rules for the remainder of the individual's teaching career. 129
However, nothing in this division shall be construed to prohibit 130
the individual from applying to the state board for a career- 131

technical workforce development educator license under this 132
section. 133

(3) An individual who, on July 1, 2019, holds an 134
alternative resident educator license for teaching career- 135
technical education issued under section 3319.26 of the Revised 136
Code may, upon the expiration of the license, apply for a 137
professional career-technical teaching license issued under the 138
rules described in former section 3319.229 of the Revised Code. 139
Such an individual may continue to renew the professional 140
license in accordance with those rules for the remainder of the 141
individual's teaching career. However, nothing in this division 142
shall be construed to prohibit the individual from applying to 143
the state board for a career-technical workforce development 144
educator license under this section. 145

(B) Except as provided in division ~~(G)~~(H) of this 146
section, the state board, in collaboration with the chancellor 147
of higher education, shall adopt rules establishing standards 148
and requirements for obtaining a two-year initial career- 149
technical workforce development educator license and a five-year 150
advanced career-technical workforce development educator 151
license. Each license shall be valid for teaching career- 152
technical education or workforce development programs in grades 153
four through twelve. The rules shall require applicants for 154
either license to have a high school diploma or a certificate of 155
high school equivalence as awarded under section 3301.80 of the 156
Revised Code or as recognized as the equivalent of such 157
certificate under division (C) of that section. 158

~~(C) (1)~~(C) Except as provided in division ~~(G)~~(H) of this 159
section, the state board shall issue an initial career-technical 160
workforce development educator license to an applicant upon 161

request from the applicant or the superintendent of a school 162
district that has agreed to employ the applicant. In making the 163
request, the applicant or superintendent shall provide 164
documentation, in accordance with procedures prescribed by the 165
state board, showing that the applicant has at least five years 166
of work experience, or the equivalent, in the subject area in 167
which the applicant will teach. The license requested by a 168
superintendent shall be valid for teaching only in the 169
requesting district. The applicant or superintendent also shall 170
provide documentation, in accordance with procedures prescribed 171
by the state board, that the applicant is enrolled in a program 172
described in division (D) of this section. 173

As a condition of continuing to hold the initial career- 174
technical workforce development license, the holder of the 175
license shall be participating in a program described in 176
division (D) of this section. 177

The state board shall renew an initial career-technical 178
workforce development educator license if the supervisor of the 179
program described in division (D) of this section or the 180
superintendent of the employing school district indicate that 181
the applicant is making sufficient progress in both the program 182
and, if applicable, the teaching position. 183

(D) An applicant for a license under division (C) of this 184
section shall be enrolled in one of the following: 185

(1) A in a career-technical workforce development educator 186
preparation program offered by an institution of higher 187
education that has an existing teacher preparatory program in 188
place that meets all of the following criteria: 189

(a) Is approved by the chancellor of higher education to 190

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| provide instruction in teaching methods and principles; | 191 |
| (b) Provides classroom support to the license holder; | 192 |
| (c) Includes at least three semester hours of coursework in the teaching of reading in the subject area; | 193 194 |
| (d) Is aligned with career-technical education and workforce development competencies developed by the department of education and workforce; | 195 196 197 |
| (e) Uses a summative performance-based assessment developed by the program and aligned to the competencies described in division (C) (1) (d) <u>(D) (1) (d)</u> of this section to evaluate the license holder's knowledge and skills; | 198 199 200 201 |
| (f) Consists of not less than twenty-four semester hours of coursework, or the equivalent. | 202 203 |
| (2) As a condition of continuing to hold the initial career technical workforce development license, the holder of the license shall be participating in a career technical workforce development educator preparation program described in division (C) (1) of this section. | 204 205 206 207 208 |
| (3) The state board shall renew an initial career- technical workforce development educator license if the supervisor of the program described in division (C) (1) of this section and the superintendent of the employing school district indicate that the applicant is making sufficient progress in both the program and the teaching position. | 209 210 211 212 213 214 |
| <u>(D) If the applicant has obtained an offer of employment as a classroom teacher, a modified educator preparation program created by one or more lead districts, as defined in section 3317.023 of the Revised Code. The program shall be aligned with</u> | 215 216 217 218 |

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| <u>career-technical education and workforce development</u> | 219 |
| <u>competencies developed by the department of education and</u> | 220 |
| <u>workforce and include both of the following:</u> | 221 |
| <u>(a) Not less than nine credit hours or three semester</u> | 222 |
| <u>hours of coursework in the area to be taught;</u> | 223 |
| <u>(b) Not less than forty-five hours of local professional</u> | 224 |
| <u>development designed by the employing district.</u> | 225 |
| <u>(3) If the applicant has obtained an offer of employment</u> | 226 |
| <u>as a classroom teacher, a two-year alternative career-technical</u> | 227 |
| <u>licensure program under which an employing district provides a</u> | 228 |
| <u>mentoring program created by one or more lead districts, as</u> | 229 |
| <u>defined in section 3317.023 of the Revised Code, and aligned</u> | 230 |
| <u>with career-technical education and workforce development</u> | 231 |
| <u>competencies developed by the department, that includes all of</u> | 232 |
| <u>the following:</u> | 233 |
| <u>(a) An assigned mentor who holds a license issued under</u> | 234 |
| <u>sections 3319.22 to 3319.31 of the Revised Code, or who has</u> | 235 |
| <u>served in the capacity of an administrator;</u> | 236 |
| <u>(b) A competency based self-assessment developed and</u> | 237 |
| <u>approved by the state board of education, in consultation with</u> | 238 |
| <u>individuals in the career-technical education field;</u> | 239 |
| <u>(c) A personal learning plan approved by the lead</u> | 240 |
| <u>district, or the district's designee;</u> | 241 |
| <u>(d) Participation in a structured mentoring program</u> | 242 |
| <u>aligned to the individual's personal learning plan and</u> | 243 |
| <u>consisting of ninety clock hours of professional development</u> | 244 |
| <u>during the initial two-year license period.</u> | 245 |
| <u>(E) Except as provided in division (G) (H) of this</u> | 246 |

section, the state board shall issue an advanced career- 247
technical workforce development educator license to an applicant 248
who has successfully completed ~~the~~ either of the following: 249

(1) A program described in division ~~(C)(1)~~ ~~(D)(1)~~ of this 250
section, as indicated by the supervisor of the program, and who 251
demonstrates mastery of the applicable career-technical 252
education and workforce development competencies described in 253
division ~~(C)(1)(d)~~ (D)(1)(d) of this section in the teaching 254
position, as indicated by the superintendent of the employing 255
school district; 256

(2) A program described in division (D)(2) or (3) of this 257
section, as indicated by the supervisor of the program, and has 258
taught under the initial career-technical workforce development 259
educator license for four school years. 260

~~(E)~~ (F) The holder of an advanced career-technical 261
workforce development educator license shall work with a local 262
professional development committee established under section 263
3319.22 of the Revised Code in meeting requirements for renewal 264
of the license. 265

~~(F)~~ (G) Notwithstanding the provisions of section 3319.226 266
of the Revised Code, the state board shall not require any 267
applicant for an educator license for substitute teaching who 268
holds a license issued under this section to hold a post- 269
secondary degree in order to be issued a license under section 270
3319.226 of the Revised Code to work as a substitute teacher for 271
career-technical education classes. 272

~~(G)~~ (H) The state board shall issue a license to practice 273
as an initial career-technical workforce development educator or 274
advanced career-technical workforce development educator in 275

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| accordance with Chapter 4796. of the Revised Code to an | 276 |
| applicant if either of the following applies: | 277 |
| (1) The applicant holds a license in another state. | 278 |
| (2) The applicant has satisfactory work experience, a | 279 |
| government certification, or a private certification as | 280 |
| described in that chapter as a career-technical workforce | 281 |
| development educator in a state that does not issue one or both | 282 |
| of those licenses. | 283 |
| <u>Sec. 3319.2212. (A) (1) Notwithstanding anything to the</u> | 284 |
| <u>contrary in section 3319.229 of the Revised Code, the state</u> | 285 |
| <u>board of education shall issue a two-year career-technical</u> | 286 |
| <u>educator license to an individual who meets all of the following</u> | 287 |
| <u>conditions:</u> | 288 |
| <u>(a) The individual holds a valid educator license issued</u> | 289 |
| <u>under sections 3319.22 to 3319.31 of the Revised Code.</u> | 290 |
| <u>(b) The individual has at least five years of work</u> | 291 |
| <u>experience in the subject area the individual will teach, or the</u> | 292 |
| <u>individual's work experience has been affirmed by a panel of</u> | 293 |
| <u>experts as required by the state board of education.</u> | 294 |
| <u>(c) The superintendent of the employing school district</u> | 295 |
| <u>has made an informal recommendation of appointment for the</u> | 296 |
| <u>individual to a position as a career-technical educator.</u> | 297 |
| <u>(2) Each employing district or school shall assign a</u> | 298 |
| <u>mentor to any teacher it employs to teach under this division.</u> | 299 |
| <u>A license issued under this section shall be renewable</u> | 300 |
| <u>only once to enable the license holder to apply for a</u> | 301 |
| <u>professional career-technical workforce development educator</u> | 302 |
| <u>license.</u> | 303 |

(B) The state board of education shall issue an advanced career-technical workforce development educator license to a person who holds a license issued under division (A) of this section upon the completion of the four years of teaching experience under that license. A license issued under this division shall be valid for five years and shall be renewable.

Sec. 3319.233. (A) All new educator licenses issued for grades pre-kindergarten through ~~three or four through nine~~ eight shall require the applicant to attain a passing score on a rigorous examination of principles of scientifically research-based reading instruction that is aligned with the reading competencies adopted by the department of education and workforce under section 3301.077 of the Revised Code.

(B) The state board shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing criteria and procedures necessary to implement the requirements of this section.

Sec. 3319.31. (A) As used in this section and sections 3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" means a certificate, license, or permit described in this chapter or in division (B) of section 3301.071 or in section 3301.074 of the Revised Code or a registration described in division (B) of section 3302.151, section 3310.411, or section 3319.221 of the Revised Code.

(B) For any of the following reasons, the state board of education, except as provided in division (H) of this section and in accordance with Chapter 119. and section 3319.311 of the Revised Code, may refuse to issue a license to an applicant; may limit a license it issues to an applicant; may suspend, revoke, or limit a license that has been issued to any person; or may

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| revoke a license that has been issued to any person and has expired: | 334 335 |
| (1) Engaging in an immoral act, incompetence, negligence, or conduct that is unbecoming to the applicant's or person's position; | 336 337 338 |
| (2) A plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the following: | 339 340 |
| (a) A felony other than a felony listed in division (C) of this section; | 341 342 |
| (b) An offense of violence other than an offense of violence listed in division (C) of this section; | 343 344 |
| (c) A theft offense, as defined in section 2913.01 of the Revised Code, other than a theft offense listed in division (C) of this section; | 345 346 347 |
| (d) A drug abuse offense, as defined in section 2925.01 of the Revised Code, that is not a minor misdemeanor, other than a drug abuse offense listed in division (C) of this section; | 348 349 350 |
| (e) A violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed in divisions (B) (2) (a) to (d) of this section. | 351 352 353 |
| (3) A judicial finding of eligibility for intervention in lieu of conviction under section 2951.041 of the Revised Code, or agreeing to participate in a pre-trial diversion program under section 2935.36 of the Revised Code, or a similar diversion program under rules of a court, for any offense listed in division (B) (2) or (C) of this section; | 354 355 356 357 358 359 |
| (4) Failure to comply with section 3314.40, 3319.313, 3326.24, 3328.19, 5126.253, or 5502.262 of the Revised Code; | 360 361 |

(5) ~~Using~~ Purposely using or intentionally releasing 362
information that is confidential under state or federal law 363
concerning a student or student's family members for purposes 364
other than student instruction in violation of the licensure 365
code of professional conduct for Ohio educators developed by the 366
state board of education. 367

(C) Upon learning of a plea of guilty to, a finding of 368
guilt by a jury or court of, or a conviction of any of the 369
offenses listed in this division by a person who holds a current 370
or expired license or is an applicant for renewal of a license, 371
the state board or the superintendent of public instruction, if 372
the state board has delegated the duty pursuant to division (D) 373
of this section, shall by a written order revoke the person's 374
license or deny renewal of the license to the person. The state 375
board or the superintendent shall revoke a license that has been 376
issued to a person to whom this division applies and has expired 377
in the same manner as a license that has not expired. 378

Revocation of a license or denial of renewal of a license 379
under this division is effective immediately at the time and 380
date that the board or superintendent issues the written order 381
and is not subject to appeal in accordance with Chapter 119. of 382
the Revised Code. Revocation of a license or denial of renewal 383
of license under this division remains in force during the 384
pendency of an appeal by the person of the plea of guilty, 385
finding of guilt, or conviction that is the basis of the action 386
taken under this division. 387

The state board or superintendent shall take the action 388
required by this division for a violation of division (B) (1), 389
(2), (3), or (4) of section 2919.22 of the Revised Code; a 390
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 391

2903.041, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 392
2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 393
2907.07, 2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 394
2907.31, 2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 395
2907.33, 2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 396
2911.02, 2911.11, 2911.12, 2913.44, 2917.01, 2917.02, 2917.03, 397
2917.31, 2917.33, 2919.12, 2919.121, 2919.13, 2921.02, 2921.03, 398
2921.04, 2921.05, 2921.11, 2921.34, 2921.41, 2923.122, 2923.123, 399
2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 400
2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.32, 401
2925.36, 2925.37, 2927.24, or 3716.11 of the Revised Code; a 402
violation of section 2907.231 of the Revised Code unless the 403
offender was coerced into committing a violation of that 404
section; a violation of section 2905.04 of the Revised Code as 405
it existed prior to July 1, 1996; a violation of section 2919.23 406
of the Revised Code that would have been a violation of section 407
2905.04 of the Revised Code as it existed prior to July 1, 1996, 408
had the violation been committed prior to that date; felonious 409
sexual penetration in violation of former section 2907.12 of the 410
Revised Code; or a violation of an ordinance of a municipal 411
corporation that is substantively comparable to an offense 412
listed in this paragraph. 413

(D) The state board may delegate to the superintendent of 414
public instruction the authority to revoke a person's license or 415
to deny renewal of a license to a person under division (C) or 416
(F) of this section. 417

(E) (1) If the plea of guilty, finding of guilt, or 418
conviction that is the basis of the action taken under division 419
(B) (2) or (C) of this section, or under the version of division 420
(F) of section 3319.311 of the Revised Code in effect prior to 421
September 12, 2008, is overturned on appeal, upon exhaustion of 422

the criminal appeal, the clerk of the court that overturned the 423
plea, finding, or conviction or, if applicable, the clerk of the 424
court that accepted an appeal from the court that overturned the 425
plea, finding, or conviction, shall notify the state board that 426
the plea, finding, or conviction has been overturned. Within 427
thirty days after receiving the notification, the state board 428
shall initiate proceedings to reconsider the revocation or 429
denial of the person's license in accordance with division (E) 430
(2) of this section. In addition, the person whose license was 431
revoked or denied may file with the state board a petition for 432
reconsideration of the revocation or denial along with 433
appropriate court documents. 434

(2) Upon receipt of a court notification or a petition and 435
supporting court documents under division (E) (1) of this 436
section, the state board, after offering the person an 437
opportunity for an adjudication hearing under Chapter 119. of 438
the Revised Code, shall determine whether the person committed 439
the act in question in the prior criminal action against the 440
person that is the basis of the revocation or denial and may 441
continue the revocation or denial, may reinstate the person's 442
license, with or without limits, or may grant the person a new 443
license, with or without limits. The decision of the board shall 444
be based on grounds for revoking, denying, suspending, or 445
limiting a license adopted by rule under division (G) of this 446
section and in accordance with the evidentiary standards the 447
board employs for all other licensure hearings. The decision of 448
the board under this division is subject to appeal under Chapter 449
119. of the Revised Code. 450

(3) A person whose license is revoked or denied under 451
division (C) of this section shall not apply for any license if 452
the plea of guilty, finding of guilt, or conviction that is the 453

basis of the revocation or denial, upon completion of the 454
criminal appeal, either is upheld or is overturned but the state 455
board continues the revocation or denial under division (E) (2) 456
of this section and that continuation is upheld on final appeal. 457

(F) The state board may take action under division (B) of 458
this section, and the state board or the superintendent shall 459
take the action required under division (C) of this section, on 460
the basis of substantially comparable conduct occurring in a 461
jurisdiction outside this state or occurring before a person 462
applies for or receives any license. 463

(G) The state board may adopt rules in accordance with 464
Chapter 119. of the Revised Code to carry out this section and 465
section 3319.311 of the Revised Code. 466

(H) The state board shall not refuse to issue a license to 467
an applicant because of a conviction of, a plea of guilty to, or 468
a finding of guilt by a jury or court of an offense unless the 469
refusal is in accordance with section 9.79 of the Revised Code. 470

Sec. 3319.325. As used in sections 3319.325, 3319.326, and 471
3319.327 of the Revised Code: 472

(A) ~~"Educational records" means records, files, documents,~~ 473
~~and other materials that contain information directly related to~~ 474
~~a student and are maintained by a school district board of~~ 475
~~education or by a person acting for the school district.~~ 476

"Educational records" "Education records" has the same meaning as 477
in the "Family Educational Rights and Privacy Act of 1974," 20 478
U.S.C. 1232g, and does not include any of the following: 479

(1) Records of instructional, supervisory, and 480
administrative personnel and educational personnel that are in 481
the sole possession of the maker and are not accessible or 482

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| revealed to any other person except a substitute teacher; | 483 |
| (2) In the case of persons who are employed by a school district, records made and maintained in the normal course of business that relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose; | 484 485 486 487 488 |
| (3) Records on a student who is eighteen years of age or older, which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the person's professional or paraprofessional capacity, or assisting in that capacity, and that are made, maintained, or used only in connection with the provision of treatment to the student and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice. | 489 490 491 492 493 494 495 496 497 498 |
| (B) "Educational support services data" means data on individuals collected, created, maintained, used, or disseminated relating to programs administered by a school district board of education or an entity under contract with a school district designed to eliminate disparities and advance equities in educational achievement for youth by coordinating services available to participants, regardless of the youth's involvement with other government services. | 499 500 501 502 503 504 505 506 |
| (C) <u>"Information technology center" means an information technology center established under section 3301.075 of the Revised Code.</u> | 507 508 509 |
| (D) <u>"School-issued device" means hardware, software, devices, and accounts that a school district, acting</u> | 510 511 |

independently or with a technology provider, provides to an 512
individual student for ~~that student's dedicated personal~~ 513
dedicated student use. 514

~~(D)~~(E) "Student" means an individual currently ~~or formerly~~ 515
enrolled in a school district ~~and applicants for enrollment in~~ 516
any of grades kindergarten through twelve. 517

~~(E)~~(F) "Technology provider" means a person who contracts 518
with a school district to provide a school-issued device for 519
student use and creates, receives, or maintains ~~educational~~ 520
education records pursuant or incidental to its contract with 521
the district. 522

Except as used in division (G) of section 3319.326 of the 523
Revised Code, "technology provider" does not include a county 524
board of developmental disabilities, educational service center, 525
information technology center, assessment provider, curriculum 526
provider, or city, local, exempted village, or joint vocational 527
school district that enters into a service contract with a 528
school district that includes issuing school-issued devices to 529
students. 530

Sec. 3319.326. A technology provider shall comply with 531
Chapter 1347. of the Revised Code with regard to the collection, 532
use, and protection of data as if it were a school district. 533

(A) ~~Educational~~Education records created, received, 534
maintained, or disseminated by a technology provider pursuant or 535
incidental to a contract with a school district are solely the 536
property of the school district. 537

(B) If ~~educational~~education records maintained by the 538
technology provider are subject to a breach of the security of 539
the data, as described in section 1347.12 of the Revised Code, 540

the technology provider shall, following discovery of the 541
breach, disclose to the school district all information 542
necessary to fulfill the requirements of that section. 543

(C) Unless renewal of the contract is reasonably 544
anticipated, within ninety days of the expiration of the 545
contract, a technology provider shall destroy or return to the 546
appropriate school district all ~~educational-education~~ records 547
created, received, or maintained pursuant or incidental to the 548
contract. 549

(D) A technology provider shall not sell, share, or 550
disseminate ~~educational-education~~ records, except as provided by 551
this section or as part of a valid delegation or assignment of 552
its contract with a school district. 553

(E) A technology provider shall not use ~~educational-~~ 554
~~education~~ records for any commercial purpose, including, but not 555
limited to, marketing or advertising to a student or parent. A 556
commercial purpose does not include providing the specific 557
services contracted for by a school district. Nothing in this 558
division prohibits the technology provider from using aggregate 559
information removed of any personally identifiable information 560
for improving, maintaining, developing, supporting, or 561
diagnosing the provider's site, service, or operation. 562

(F) A contract between a technology provider and a school 563
district shall ensure appropriate security safeguards for 564
~~educational-education~~ records and include both of the following: 565

(1) A restriction on unauthorized access by the technology 566
provider's employees or contractors; 567

(2) A requirement that the technology provider's employees 568
or contractors may be authorized to access ~~educational-education~~ 569

records only as necessary to fulfill the official duties of the 570
employee or contractor. 571

(G) Not later than the first day of August of each school 572
year, each school district shall provide parents and students 573
direct and timely notice, by mail, electronic mail, or other 574
direct form of communication, of any curriculum, testing, or 575
assessment technology provider contract affecting a student's 576
~~educational-education~~ records. The notice shall do all of the 577
following: 578

(1) Identify each curriculum, testing, or assessment 579
technology provider with access to ~~educational-education~~ 580
records; 581

(2) Identify the ~~educational-education~~ records affected by 582
the curriculum, testing, or assessment technology provider 583
contract; 584

(3) Include information about the contract inspection and 585
provide contact information for a school department to which a 586
parent or student may direct questions or concerns regarding any 587
program or activity that allows a curriculum, testing, or 588
assessment technology provider access to a student's ~~educational-~~ 589
~~education~~ records. 590

Each school district shall provide parents and students an 591
opportunity to inspect a complete copy of any contract with a 592
technology provider. 593

Sec. 3319.327. (A) Except as described in division (B) of 594
this section, a school district or technology provider shall not 595
electronically access or monitor any of the following: 596

(1) Location-tracking features of a school-issued device; 597

| | |
|---|---------------------------------|
| (2) Audio or visual receiving, transmitting, or recording feature of a school-issued device; | 598 599 |
| (3) Student interactions with a school-issued device, including, but not limited to, keystrokes and web-browsing activity. | 600 601 602 |
| (B) Division (A) of this section does not apply in the following circumstances: | 603 604 |
| (1) The activity is limited to a noncommercial educational purpose for instruction, technical support, or exam-proctoring by school district employees, student teachers, staff contracted by a district, a vendor, or the department of education <u>and workforce</u> , and notice is provided in advance. | 605 606 607 608 609 |
| (2) The activity is permitted under a judicial warrant <u>or subpoena unless otherwise prohibited by state or federal law.</u> | 610 611 |
| (3) The school district or technology provider is notified or becomes aware that the device is missing or stolen. | 612 613 |
| (4) The activity is necessary to prevent or respond to a threat to life or safety, and the access is limited to that purpose. | 614 615 616 |
| (5) The activity is necessary to comply with federal or state law. | 617 618 |
| (6) The activity is necessary to participate in federal or state funding programs. | 619 620 |
| (C) (1) In any year that a school district or technology provider elects to generally monitor a school-issued device for any of the circumstances described in division (B) of this section, the school district shall provide written notice of that monitoring to the parents of its enrolled students. | 621 622 623 624 625 |

(2) In the event that one of the circumstances described 626
in division ~~(B)~~(B) (2) or (3) of this section is triggered and 627
the school district initiates responsive action, the school 628
district shall, within seventy-two hours of the access, notify 629
the student's parent and provide a written description of the 630
triggering circumstance, including which features of the device 631
were accessed and a description of the threat, if any. This 632
notice is not required at any time when the notice itself would 633
pose a threat to life or safety, ~~but must instead be given~~ 634
~~within seventy-two hours after that threat has ceased.~~ 635

(3) In the event that one of the circumstances described 636
in division (B) (4) of this section is triggered and the school 637
district initiates action in response to division (B) (4) of this 638
section or pursuant to section 2151.421, 3313.66, 3313.666, or 639
3313.669 of the Revised Code, the school district shall, within 640
seventy-two hours of the access, notify the student's parent and 641
provide a written description of the triggering circumstance, 642
including which features of the device were accessed and a 643
description of the threat, if any. This notice is not required 644
at any time when the notice itself would pose a threat to life 645
or safety. 646

Unless otherwise provided by law, no person shall release, 647
or permit access to, educational support services data 648
concerning any student attending a public school for any 649
purpose. 650

Educational support services data shall be made available 651
to the opportunities for Ohioans with disabilities agency 652
established in section 3304.15 of the Revised Code in 653
furtherance of that agency's duties and supports to individuals 654
with disabilities as described in Chapter 3304. of the Revised 655

Code. 656

(D) A contract entered into between a school district and 657
a county board of developmental disabilities, educational 658
service center, joint vocational school district, another school 659
district, or an information technology center for services, 660
including the general monitoring or access of school-issued 661
devices, shall indicate which entity is responsible for 662
providing notice under this section. 663

Sec. 3320.04. Each school district board of education 664
shall adopt a policy that reasonably accommodates the sincerely 665
held religious beliefs and practices of individual students with 666
regard to all examinations or other academic requirements and 667
absences for reasons of faith or religious or spiritual belief 668
system. The policy shall satisfy all of the following 669
conditions: 670

(A) The policy shall permit a student in any of grades 671
kindergarten through twelve to be absent for up to three 672
religious expression days each school year to take holidays for 673
reasons of faith or religious or spiritual belief system or 674
participate in organized activities conducted under the auspices 675
of a religious denomination, church, or other religious or 676
spiritual organization. The district shall not impose an 677
academic penalty as a result of a student being absent as 678
permitted in the policy. The policy shall also permit students 679
to participate in interscholastic athletics or other 680
extracurricular activities on days in which the student was 681
otherwise absent for a religious expression day. 682

(B) (1) The policy shall require that students be provided 683
with alternative accommodations with regard to examinations and 684
other academic requirements missed due to an absence described 685

in division (A) of this section if not later than fourteen 686
school days after the first day of school, or fourteen school 687
days after the date of enrollment for a student who transfers to 688
or enrolls in the district after the first day of school, the 689
parent or guardian of a student provides the school principal 690
with written notice of up to three specific dates for which 691
alternative accommodations are requested, if an absence approved 692
under division (B)(2) of this section conflicts with an 693
examination or other academic requirement on that date. 694

(2) The school principal shall approve not more than three 695
written requests per school year from a student's parent or 696
guardian for an excused absence under division (A) of this 697
section. The school principal shall approve such requests 698
without inquiry into the sincerity of a student's religious or 699
spiritual belief system. However, the school principal may 700
verify a request received under division (A) of this section by 701
contacting the parent or guardian whose signature appears on the 702
request. If a parent or guardian disputes having signed such a 703
request, the school principal may deny the request. Upon 704
approval of a request that satisfies division (B)(1) of this 705
section, a school principal shall require the appropriate 706
classroom teacher or teachers to schedule a time and date for an 707
alternative examination or other academic requirement if the 708
approved student absence creates a conflict, which may be before 709
or after the time and date the examination or other academic 710
requirement was originally scheduled. 711

(C) The policy shall require the district board to post 712
both of the following in a prominent location on the district's 713
web site: 714

(1) A copy of the policy adopted under this section, which 715

shall include the contact information of an individual who can 716
provide further information about the policy; 717

(2) A nonexhaustive list of major religious holidays, 718
festivals, and religious observations, which may include, Eid, 719
Good Friday, Rosh Hashanah, Yom Kippur, and Passover, for which 720
an excused absence under this section shall not be unreasonably 721
withheld or denied. 722

The ~~state superintendent~~ director of education and 723
workforce shall provide each district with a nonexhaustive list 724
of major religious holidays or festivals for the next two school 725
years, including Eid, Good Friday, Rosh Hashanah, Yom Kippur, 726
and Passover, at the beginning of each school year. Each 727
district may adopt the ~~state superintendent's~~ director's list in 728
its entirety or choose which holidays to include on its list. 729

Each time a district's policy is posted, printed, or 730
published, including as described in divisions (C) and (D) of 731
this section, the district shall include a statement that the 732
list is nonexhaustive, and the list may not be used to deny 733
accommodation to a student for a holiday or festival of the 734
student's faith or religious or spiritual belief system that 735
does not appear on the list. 736

Nothing in this section, and no inclusion or exclusion of 737
a religious holiday or festival on the list posted by a 738
district, shall preclude a student from full and reasonable 739
accommodations for any sincerely held religious beliefs and 740
practices with regard to all examinations or other academic 741
requirements and absences for reasons of faith or religious or 742
spiritual belief system provided under this section. 743

(D) The policy shall require school districts annually to 744

convey to parents and guardians the policy adopted under this 745
section, including a description of the general procedure for 746
requesting accommodations. The manner in which the school 747
district conveys the information shall be determined at the 748
discretion of the district. 749

(E) The policy shall include a procedure under which a 750
student, parent, or guardian may notify the district of any 751
grievance with regard to the implementation of the policy 752
required under this section. 753

(F) Any days excused under this section shall not be 754
considered in determining absence hours for the purposes of 755
parental notification under division (C) (1) of section 3321.191 756
of the Revised Code. 757

Sec. 3326.04. (A) The STEM committee shall grant 758
distinctions as STEM programs of excellence to STEM programs 759
operated by joint vocational school districts, comprehensive 760
career-technical education providers, compact career-technical 761
education providers, and educational service centers in 762
accordance with this section. 763

(B) A joint vocational school district, comprehensive 764
career-technical education provider, compact career-technical 765
education provider, or educational service center may submit a 766
proposal to the STEM committee seeking distinction as a STEM 767
program of excellence. The proposal shall demonstrate to the 768
satisfaction of the STEM committee that the program meets at 769
least the following standards: 770

~~(1) Unless the program is designed to serve only students~~ 771
~~identified as gifted under Chapter 3324. of the Revised Code,~~ 772
~~the~~ The program will serve all students enrolled in the grades 773

for ~~which~~ ~~whom~~ the program is designed, which may be limited to 774
certain categories of students such as students identified as 775
gifted under Chapter 3324. of the Revised Code. 776

(2) The program will provide students with the opportunity 777
to innovate, develop an entrepreneurial spirit, engage in 778
inquiry, and collaborate with individual accountability. 779

(3) The program will offer a rigorous, diverse, 780
integrated, and problem- or project-based curriculum to 781
students, with the goal to prepare students for post-secondary 782
learning experiences, the workforce, and citizenship, and that 783
does all of the following: 784

(a) Emphasizes and supports the role of science, 785
technology, engineering, and mathematics in promoting innovation 786
and economic progress; 787

(b) Emphasizes the use of design thinking ~~as a school-wide~~ 788
~~approach;~~ 789

(c) Provides opportunities for students to engage in 790
personalized learning; 791

(d) Includes the arts and humanities. If the proposal is 792
for distinction as a STEAM program of excellence, it also shall 793
include evidence that the curriculum will integrate arts and 794
design into the study of science, technology, engineering, and 795
mathematics to foster creative thinking, problem-solving, and 796
new approaches to scientific invention. 797

(4) The district, provider, or service center leadership 798
supports the curriculum principles of division (B) (3) of this 799
section. 800

(5) The program's leaders participate in regular STEM- 801

focused professional development and share knowledge of best 802
practices. 803

(6) The program has established partnerships with 804
institutions of higher education and businesses. If the proposal 805
is for distinction as a STEAM program of excellence, it also 806
shall include evidence of established partnerships with one or 807
more arts organizations. 808

(7) The program has received commitments of sustained and 809
verifiable fiscal and in-kind support from regional education 810
and business entities. If the proposal is for distinction as a 811
STEAM program of excellence, the program also has received 812
commitments of sustained and verifiable fiscal and in-kind 813
support from arts organizations; 814

(8) The program's curriculum was developed using the 815
principles described in division (B)(3) of this section and 816
approved by a team in accordance with section 3326.09 of the 817
Revised Code. 818

(C)(1) If a joint vocational school district, 819
comprehensive career-technical education provider, compact 820
career-technical education provider, or educational service 821
center receives a distinction as a STEM program of excellence 822
under this section, it shall maintain that distinction for five 823
years unless the STEM committee revokes the distinction during 824
that five-year period under division (E) of this section. At the 825
end of that five-year period, the district, provider, or service 826
center shall reapply to the STEM committee in order to maintain 827
that distinction. The committee shall authorize the continuation 828
of the district's, provider's, or service center's distinction 829
as a STEM program of excellence if the committee finds that the 830
district, provider, or service center is in compliance with this 831

chapter and the provisions of its proposal and any subsequent 832
amendments to that proposal. 833

If a joint vocational school district, comprehensive 834
career-technical education provider, compact career-technical 835
education provider, or educational service center chooses not to 836
reapply for a distinction for a STEM program of excellence under 837
division (C)(1) of this section, the committee shall revoke the 838
district's, provider's, or service center's distinction at the 839
end of its five-year period of distinction. 840

(2) If a joint vocational school district, comprehensive 841
career-technical education provider, compact career-technical 842
education provider, or educational service center reapplies for 843
distinction as a STEM program of excellence under division (C) 844
(1) of this section and the committee has reason to believe that 845
it is not in compliance with this chapter or the provisions of 846
its proposal and any subsequent amendments to that proposal, the 847
committee shall require the district, provider, or service 848
center, in collaboration with the department of education and 849
workforce and the Ohio STEM learning network or its successor, 850
to develop a corrective action plan. The district, provider, or 851
service center shall implement the corrective action plan and 852
demonstrate exemplary STEM pedagogy and practices within one 853
year of the plan's development. If the district, provider, or 854
service center fails to implement the corrective action plan to 855
the satisfaction of the committee at the end of that year, the 856
committee shall revoke the district's, provider's, or service 857
center's distinction. 858

(3) The department shall maintain records of the 859
application status and designation renewal deadlines for each 860
joint vocational school district, comprehensive career-technical 861

education provider, compact career-technical education provider, 862
or educational service center that has received a distinction as 863
a STEM program of excellence under this section. 864

(D) If the STEM committee has reason to believe that a 865
joint vocational school district, comprehensive career-technical 866
education provider, compact career-technical education provider, 867
or educational service center that has received a distinction as 868
a STEM program of excellence under this section is not in 869
compliance with this chapter or the provisions of its proposal 870
and any subsequent amendments to that proposal, it may review 871
the district's, provider's, or service center's distinction 872
prior to the end of the five-year period during which that 873
distinction is effective. If the committee reviews a district's, 874
provider's, or service center's distinction under this division, 875
it must require the district, provider, or service center to 876
develop a corrective action plan in the same manner as specified 877
in division (C) (2) of this section and implement that plan and 878
demonstrate exemplary STEM pedagogy and practices within one 879
year of the plan's development. If the district, provider, or 880
service center fails to implement the corrective action plan to 881
the satisfaction of the committee at the end of that year, the 882
committee shall revoke the district's, provider's, or service 883
center's distinction. 884

(E) If a joint vocational school district, comprehensive 885
career-technical education provider, compact career-technical 886
education provider, or educational service center that has 887
received distinction for a STEM program of excellence instead 888
wishes to receive a distinction for a STEAM program of 889
excellence, it may change its existing proposal to include the 890
items required under divisions (B) (3) (d), (B) (6), and (B) (7) of 891
this section and submit the revised proposal to the STEM 892

committee for approval. 893

Section 2. That existing sections 3314.023, 3319.226, 894
3319.229, 3319.233, 3319.31, 3319.325, 3319.326, 3319.327, 895
3320.04, and 3326.04 of the Revised Code are hereby repealed. 896

Section 3. Section 3319.31 of the Revised Code is 897
presented in this act as a composite of the section as amended 898
by both H.B. 147 and S.B. 29 of the 135th General Assembly. The 899
General Assembly, applying the principle stated in division (B) 900
of section 1.52 of the Revised Code that amendments are to be 901
harmonized if reasonably capable of simultaneous operation, 902
finds that the composite is the resulting version of the section 903
in effect prior to the effective date of the section as 904
presented in this act. 905

Section 4. The amendment by this act of sections 3319.31, 906
3319.325, 3319.326, and 3319.327 of the Revised Code is hereby 907
declared to be an emergency measure necessary for the immediate 908
preservation of the public peace, health, and safety. The reason 909
for such necessity is to ensure that changes made by this act 910
can be incorporated into the provisions enacted in S.B. 29 of 911
the 135th General Assembly and implemented in a timely manner. 912
Therefore, sections 3319.31, 3319.325, 3319.326, and 3319.327 of 913
the Revised Code shall go into immediate effect. 914