

AN ACT

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

Be it enacted by the General Assembly of the State of Ohio:

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

Sec. 3314.023. A sponsor shall provide monitoring, oversight, and technical assistance to each school that it sponsors. In order to provide monitoring, oversight, and technical assistance, a representative of the sponsor of a community school shall meet with the governing authority or fiscal officer of the school and shall review the financial and enrollment records of the school at least once every month. Not later than ten days after each review, the sponsor shall provide the governing authority and fiscal officer with a written report regarding the review. Copies of those financial and enrollment records shall be furnished to the community school sponsor and operator, members of the governing authority, and the fiscal officer designated in section 3314.011 of the Revised Code on a monthly basis.

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

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

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

(B) Monitoring and evaluating the academic and fiscal performance and the organization and operation of the community school on at least an annual basis. The evaluation of a school's academic and fiscal performance shall be based on the performance requirements specified in the contract

between the sponsor and the governing authority under section 3314.03 of the Revised Code, the state report cards issued for the school under section 3302.03 or 3314.017 of the Revised Code, and any other analysis conducted by the department of education and workforce.

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

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

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

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

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

Sec. 3319.226. (A) Beginning July 1, 2019, the state board of education shall issue educator licenses for substitute teaching only under this section.

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

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

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

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

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

(D) Any license issued or renewed under former section 3319.226 of the Revised Code that was still in force on November 2, 2018, shall remain in force for the remainder of the term for which it was issued or renewed. Upon the expiration of that term, the holder of that license shall be subject

to licensure under the rules adopted under this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Is approved by the chancellor of higher education to provide instruction in teaching methods and principles;

(b) Provides classroom support to the license holder;

(c) Includes at least three semester hours of coursework in the teaching of reading in the subject area;

(d) Is aligned with career-technical education and workforce development competencies developed by the department of education and workforce;

(e) Uses a summative performance-based assessment developed by the program and aligned to the competencies described in division (C)(1)(d)-(D)(1)(d) of this section to evaluate the license holder's knowledge and skills;

(f) Consists of not less than twenty-four semester hours of coursework, or the equivalent.

~~(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.~~

~~(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.~~

~~(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 career-technical education and workforce development competencies developed by the department of education and workforce and include both of the following:

(a) Not less than nine credit hours or three semester hours of coursework in the area to be taught;

(b) Not less than forty-five hours of local professional development designed by the employing district.

(3) If the applicant has obtained an offer of employment as a classroom teacher, a two-year alternative career-technical licensure program under which an employing district provides a mentoring program created by one or more lead districts, as defined in section 3317.023 of the Revised Code, and aligned with career-technical education and workforce development competencies developed by the department, that includes all of the following:

(a) An assigned mentor who holds a license issued under sections 3319.22 to 3319.31 of the Revised Code, or who has served in the capacity of an administrator;

(b) A competency based self-assessment developed and approved by the state board of education, in consultation with individuals in the career-technical education field;

(c) A personal learning plan approved by the lead district, or the district's designee;

(d) Participation in a structured mentoring program aligned to the individual's personal learning plan and consisting of ninety clock hours of professional development during the initial two-year license period.

(E) Except as provided in division ~~(G)~~~~(H)~~ of this section, the state board shall issue an advanced career-technical workforce development educator license to an applicant who has successfully completed ~~the~~ either of the following:

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

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

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

~~(F)~~~~(G)~~ Notwithstanding the provisions of section 3319.226 of the Revised Code, the state board shall not require any applicant for an educator license for substitute teaching who holds a license issued under this section to hold a post-secondary degree in order to be issued a license under

section 3319.226 of the Revised Code to work as a substitute teacher for career-technical education classes.

~~(G)~~~~(H)~~ The state board shall issue a license to practice as an initial career-technical workforce development educator or advanced career-technical workforce development educator in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

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

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a career-technical workforce development educator in a state that does not issue one or both of those licenses.

Sec. 3319.2212. (A)(1) Notwithstanding anything to the contrary in section 3319.229 of the Revised Code, the state board of education shall issue a two-year career-technical educator license to an individual who meets all of the following conditions:

(a) The individual holds a valid educator license issued under sections 3319.22 to 3319.31 of the Revised Code.

(b) The individual has at least five years of work experience in the subject area the individual will teach, or the individual's work experience has been affirmed by a panel of experts as required by the state board of education.

(c) The superintendent of the employing school district has made an informal recommendation of appointment for the individual to a position as a career-technical educator.

(2) Each employing district or school shall assign a mentor to any teacher it employs to teach under this division.

A license issued under this section shall be renewable only once to enable the license holder to apply for a professional career-technical workforce development educator license.

(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 revoke a license that has been issued to any person and has expired:

(1) Engaging in an immoral act, incompetence, negligence, or conduct that is unbecoming to the applicant's or person's position;

(2) A plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the following:

(a) A felony other than a felony listed in division (C) of this section;

(b) An offense of violence other than an offense of violence listed in division (C) of this section;

(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;

(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;

(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.

(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;

(4) Failure to comply with section 3314.40, 3319.313, 3326.24, 3328.19, 5126.253, or 5502.262 of the Revised Code;

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

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

Revocation of a license or denial of renewal of a license under this division is effective immediately at the time and date that the board or superintendent issues the written order and is not

subject to appeal in accordance with Chapter 119. of the Revised Code. Revocation of a license or denial of renewal of license under this division remains in force during the pendency of an appeal by the person of the plea of guilty, finding of guilt, or conviction that is the basis of the action taken under this division.

The state board or superintendent shall take the action required by this division for a violation of division (B)(1), (2), (3), or (4) of section 2919.22 of the Revised Code; a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 2907.31, 2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.44, 2917.01, 2917.02, 2917.03, 2917.31, 2917.33, 2919.12, 2919.121, 2919.13, 2921.02, 2921.03, 2921.04, 2921.05, 2921.11, 2921.34, 2921.41, 2923.122, 2923.123, 2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.32, 2925.36, 2925.37, 2927.24, or 3716.11 of the Revised Code; a violation of section 2907.231 of the Revised Code unless the offender was coerced into committing a violation of that section; a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996; a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date; felonious sexual penetration in violation of former section 2907.12 of the Revised Code; or a violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed in this paragraph.

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

(E)(1) If the plea of guilty, finding of guilt, or conviction that is the basis of the action taken under division (B)(2) or (C) of this section, or under the version of division (F) of section 3319.311 of the Revised Code in effect prior to September 12, 2008, is overturned on appeal, upon exhaustion of the criminal appeal, the clerk of the court that overturned the plea, finding, or conviction or, if applicable, the clerk of the court that accepted an appeal from the court that overturned the plea, finding, or conviction, shall notify the state board that the plea, finding, or conviction has been overturned. Within thirty days after receiving the notification, the state board shall initiate proceedings to reconsider the revocation or denial of the person's license in accordance with division (E)(2) of this section. In addition, the person whose license was revoked or denied may file with the state board a petition for reconsideration of the revocation or denial along with appropriate court documents.

(2) Upon receipt of a court notification or a petition and supporting court documents under division (E)(1) of this section, the state board, after offering the person an opportunity for an adjudication hearing under Chapter 119. of the Revised Code, shall determine whether the person

committed the act in question in the prior criminal action against the person that is the basis of the revocation or denial and may continue the revocation or denial, may reinstate the person's license, with or without limits, or may grant the person a new license, with or without limits. The decision of the board shall be based on grounds for revoking, denying, suspending, or limiting a license adopted by rule under division (G) of this section and in accordance with the evidentiary standards the board employs for all other licensure hearings. The decision of the board under this division is subject to appeal under Chapter 119. of the Revised Code.

(3) A person whose license is revoked or denied under division (C) of this section shall not apply for any license if the plea of guilty, finding of guilt, or conviction that is the basis of the revocation or denial, upon completion of the criminal appeal, either is upheld or is overturned but the state board continues the revocation or denial under division (E)(2) of this section and that continuation is upheld on final appeal.

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

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

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

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

(A) ~~"Educational records" means records, files, documents, and other materials that contain information directly related to a student and are maintained by a school district board of education or by a person acting for the school district.~~ "Educational records" "Education records" has the same meaning as in the "Family Educational Rights and Privacy Act of 1974," 20 U.S.C. 1232g, and does not include any of the following:

(1) Records of instructional, supervisory, and administrative personnel and educational personnel that are in the sole possession of the maker and are not accessible or revealed to any other person except a substitute teacher;

(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;

(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.

(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.

(C) "Information technology center" means an information technology center established under section 3301.075 of the Revised Code.

(D) "School-issued device" means hardware, software, devices, and accounts that a school district, acting independently or with a technology provider, provides to an individual student for that student's dedicated personal-dedicated student use.

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

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

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

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

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

(B) If ~~educational-education~~ records maintained by the technology provider are subject to a breach of the security of the data, as described in section 1347.12 of the Revised Code, the technology provider shall, following discovery of the breach, disclose to the school district all information necessary to fulfill the requirements of that section.

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

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

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

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

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

(2) A requirement that the technology provider's employees or contractors may be authorized to access ~~educational-education~~ records only as necessary to fulfill the official duties of the employee or contractor.

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

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

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

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

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

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

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

(2) Audio or visual receiving, transmitting, or recording feature of a school-issued device;

(3) Student interactions with a school-issued device, including, but not limited to, keystrokes and web-browsing activity.

(B) Division (A) of this section does not apply in the following circumstances:

(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 and workforce, ~~and notice is provided in advance~~.

(2) The activity is permitted under a judicial warrant or subpoena unless otherwise

prohibited by state or federal law.

(3) The school district or technology provider is notified or becomes aware that the device is missing or stolen.

(4) The activity is necessary to prevent or respond to a threat to life or safety, and the access is limited to that purpose.

(5) The activity is necessary to comply with federal or state law.

(6) The activity is necessary to participate in federal or state funding programs.

(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.

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

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

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

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

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

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

(A) The policy shall permit a student in any of grades kindergarten through twelve to be

absent for up to three religious expression days each school year to take holidays for reasons of faith or religious or spiritual belief system or participate in organized activities conducted under the auspices of a religious denomination, church, or other religious or spiritual organization. The district shall not impose an academic penalty as a result of a student being absent as permitted in the policy. The policy shall also permit students to participate in interscholastic athletics or other extracurricular activities on days in which the student was otherwise absent for a religious expression day.

(B)(1) The policy shall require that students be provided with alternative accommodations with regard to examinations and other academic requirements missed due to an absence described in division (A) of this section if not later than fourteen school days after the first day of school, or fourteen school days after the date of enrollment for a student who transfers to or enrolls in the district after the first day of school, the parent or guardian of a student provides the school principal with written notice of up to three specific dates for which alternative accommodations are requested, if an absence approved under division (B)(2) of this section conflicts with an examination or other academic requirement on that date.

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

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

(1) A copy of the policy adopted under this section, which shall include the contact information of an individual who can provide further information about the policy;

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

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

Each time a district's policy is posted, printed, or published, including as described in

divisions (C) and (D) of this section, the district shall include a statement that the list is nonexhaustive, and the list may not be used to deny accommodation to a student for a holiday or festival of the student's faith or religious or spiritual belief system that does not appear on the list.

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

(D) The policy shall require school districts annually to convey to parents and guardians the policy adopted under this section, including a description of the general procedure for requesting accommodations. The manner in which the school district conveys the information shall be determined at the discretion of the district.

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

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

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

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

(1) ~~Unless the program is designed to serve only students identified as gifted under Chapter 3324. of the Revised Code, the~~ The program will serve all students enrolled in the grades for which whom the program is designed, which may be limited to certain categories of students such as students identified as gifted under Chapter 3324. of the Revised Code.

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

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

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

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

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

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

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

(5) The program's leaders participate in regular STEM-focused professional development and share knowledge of best practices.

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

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

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

(C)(1) If a joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, or educational service center receives a distinction as a STEM program of excellence under this section, it shall maintain that distinction for five years unless the STEM committee revokes the distinction during that five-year period under division (E) of this section. At the end of that five-year period, the district, provider, or service center shall reapply to the STEM committee in order to maintain that distinction. The committee shall authorize the continuation of the district's, provider's, or service center's distinction as a STEM program of excellence if the committee finds that the district, provider, or service center is in compliance with this chapter and the provisions of its proposal and any subsequent amendments to that proposal.

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

(2) If a joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, or educational service center reapplies for distinction as a STEM program of excellence under division (C)(1) of this section and the committee has reason to believe that it is not in compliance with this chapter or the provisions of its proposal and any

subsequent amendments to that proposal, the committee shall require the district, provider, or service center, in collaboration with the department of education and workforce and the Ohio STEM learning network or its successor, to develop a corrective action plan. The district, provider, or service center shall implement the corrective action plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development. If the district, provider, or service center fails to implement the corrective action plan to the satisfaction of the committee at the end of that year, the committee shall revoke the district's, provider's, or service center's distinction.

(3) The department shall maintain records of the application status and designation renewal deadlines for each joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, or educational service center that has received a distinction as a STEM program of excellence under this section.

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

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

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

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

presented in this act.

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

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Sub. H. B. No. 432

135th G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____