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Sub. H. B. No. 438

Representatives Hambley, Kick

**Cosponsors: Representatives Seitz, Brenner, Stein, Anielski, Antonio, Greenspan,
Householder, Landis, Rogers, Smith, R., Strahorn, West, Wiggam**

A BILL

To amend sections 3311.056 and 3319.22 and to enact 1
section 3311.059 of the Revised Code to permit 2
the addition of appointed members to educational 3
service center boards, to permit a local school 4
district to sever its territory from one 5
educational service center and annex that 6
territory to an adjacent service center under 7
specified conditions, and to authorize 8
educational service centers to establish local 9
professional development committees. 10

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

Section 1. That sections 3311.056 and 3319.22 be amended 11
and section 3311.059 of the Revised Code be enacted to read as 12
follows: 13

Sec. 3311.056. ~~After at least one election of board~~ 14
~~members has occurred under division (B) of section 3313.053,~~ 15
~~division (C) of section 3311.054, or section 3311.057 of the~~ 16
~~Revised Code, the~~ The elected governing board members of an 17
educational service center created under division (A) of section 18

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

A governing board adopting a plan under this section shall 37
submit the plan to the state board of education for approval. 38
The state board may approve or disapprove a plan or make 39
recommendations for modifications in a plan. A plan shall take 40
effect thirty days after approval by the state board and, when 41
effective, appointments to the board shall be made in accordance 42
with the plan. 43

The elected members of the governing board of an 44
educational service center with a plan in effect under this 45
section may adopt, by unanimous vote of all the elected members, 46
a resolution to revise or rescind the plan in effect under this 47
section. All revisions shall comply with the requirements in 48
this section for appointed board members. A resolution revising 49

or rescinding a plan shall specify the dates and manner in which 50
the revision or rescission is to take place. The revision or 51
rescission of a plan shall be submitted to the state board of 52
education for approval. The state board may approve or 53
disapprove a revision or rescission of a plan or make 54
recommendations for modifications. Upon approval of a revision 55
or rescission by the state board, the revised plan or rescission 56
of the plan shall go into effect as provided in the revision or 57
rescission. 58

Sec. 3311.059. The procedure prescribed in this section 59
may be used in lieu of a transfer prescribed under section 60
3311.231 of the Revised Code. 61

(A) Subject to divisions (B) and (C) of this section, a 62
board of education of a local school district that severed and 63
annexed its territory under section 3311.059 of the Revised Code 64
as it existed prior to June 30, 2011, may by a resolution 65
approved by a majority of all its members propose to sever that 66
local school district from the territory of the educational 67
service center in which the local school district is currently 68
included and to instead annex the local school district to the 69
territory of another educational service center, the current 70
territory of which is adjacent to the territory of the 71
educational service center in which the local school district is 72
currently included. The resolution shall promptly be filed with 73
the governing board of each educational service center affected 74
by the resolution and with the superintendent of public 75
instruction. 76

(B) The resolution adopted under division (A) of this 77
section shall not be effective unless it is approved by the 78
state board of education. In deciding whether to approve the 79

resolution, the state board shall consider the impact of an 80
annexation on both the school district and the educational 81
service center to which the district is proposed to be annexed, 82
including the ability of that service center to deliver services 83
in a cost-effective and efficient manner. The severance of the 84
local school district from one educational service center and 85
its annexation to another educational service center under this 86
section shall not be effective until one year after the first 87
day of July following the later of the date that the state board 88
of education approves the resolution or the date the board of 89
elections certifies the results of the referendum election as 90
provided in division (C) of this section. 91

(C) Within sixty days following the date of the adoption 92
of the resolution under division (A) of this section, the 93
electors of the local school district may petition for a 94
referendum vote on the resolution. The question whether to 95
approve or disapprove the resolution shall be submitted to the 96
electors of such school district if a number of qualified 97
electors equal to twenty per cent of the number of electors in 98
the school district who voted for the office of governor at the 99
most recent general election for that office sign a petition 100
asking that the question of whether the resolution shall be 101
disapproved be submitted to the electors. The petition shall be 102
filed with the board of elections of the county in which the 103
school district is located. If the school district is located in 104
more than one county, the petition shall be filed with the board 105
of elections of the county in which the majority of the 106
territory of the school district is located. The board shall 107
certify the validity and sufficiency of the signatures on the 108
petition. 109

The board of elections shall immediately notify the board 110

of education of the local school district and the governing 111
board of each educational service center affected by the 112
resolution that the petition has been filed. 113

The effect of the resolution shall be stayed until the 114
board of elections certifies the validity and sufficiency of the 115
signatures on the petition. If the board of elections determines 116
that the petition does not contain a sufficient number of valid 117
signatures and sixty days have passed since the adoption of the 118
resolution, the resolution shall become effective as provided in 119
division (B) of this section. 120

If the board of elections certifies that the petition 121
contains a sufficient number of valid signatures, the board 122
shall submit the question to the qualified electors of the 123
school district on the day of the next general or primary 124
election held at least ninety days after the board of elections 125
certifies the validity and sufficiency of signatures on the 126
petition. The election shall be conducted and canvassed and the 127
results shall be certified in the same manner as in regular 128
elections for the election of members of a board of education. 129

If a majority of the electors voting on the question 130
disapprove the resolution, the resolution shall not become 131
effective. If a majority of the electors voting on the question 132
approve the resolution, the resolution shall become effective as 133
provided in division (B) of this section. 134

(D) Upon the effective date of the severance of the local 135
school district from one educational service center and its 136
annexation to another educational service center as provided in 137
division (B) of this section, the governing board of each 138
educational service center shall take such steps for the 139
election of members of the governing board and for organization 140

of the governing board as prescribed in Chapter 3313. of the 141
Revised Code. 142

(E) If a school district is severed from one educational 143
service center and annexed to another service center under this 144
section, the board of education of that school district shall 145
not propose a subsequent severance and annexation action under 146
this section that would be effective sooner than four years 147
after the effective date of the next previous severance and 148
annexation action under this section. 149

Sec. 3319.22. (A) (1) The state board of education shall 150
issue the following educator licenses: 151

(a) A resident educator license, which shall be valid for 152
four years and shall be renewable for reasons specified by rules 153
adopted by the state board pursuant to division (A) (3) of this 154
section. The state board, on a case-by-case basis, may extend 155
the license's duration as necessary to enable the license holder 156
to complete the Ohio teacher residency program established under 157
section 3319.223 of the Revised Code; 158

(b) A professional educator license, which shall be valid 159
for five years and shall be renewable; 160

(c) A senior professional educator license, which shall be 161
valid for five years and shall be renewable; 162

(d) A lead professional educator license, which shall be 163
valid for five years and shall be renewable. 164

(2) The state board may issue any additional educator 165
licenses of categories, types, and levels the board elects to 166
provide. 167

(3) The state board shall adopt rules establishing the 168

standards and requirements for obtaining each educator license 169
issued under this section. The rules shall also include the 170
reasons for which a resident educator license may be renewed 171
under division (A) (1) (a) of this section. 172

(B) The rules adopted under this section shall require at 173
least the following standards and qualifications for the 174
educator licenses described in division (A) (1) of this section: 175

(1) An applicant for a resident educator license shall 176
hold at least a bachelor's degree from an accredited teacher 177
preparation program or be a participant in the teach for America 178
program and meet the qualifications required under section 179
3319.227 of the Revised Code. 180

(2) An applicant for a professional educator license 181
shall: 182

(a) Hold at least a bachelor's degree from an institution 183
of higher education accredited by a regional accrediting 184
organization; 185

(b) Have successfully completed the Ohio teacher residency 186
program established under section 3319.223 of the Revised Code, 187
if the applicant's current or most recently issued license is a 188
resident educator license issued under this section or an 189
alternative resident educator license issued under section 190
3319.26 of the Revised Code. 191

(3) An applicant for a senior professional educator 192
license shall: 193

(a) Hold at least a master's degree from an institution of 194
higher education accredited by a regional accrediting 195
organization; 196

(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;	197 198 199
(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.	200 201 202 203
(4) An applicant for a lead professional educator license shall:	204 205
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	206 207 208
(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;	209 210 211 212
(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;	213 214 215
(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F) (4) or (5) of section 3319.61 of the Revised Code.	216 217 218 219 220
(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code.	221 222 223 224

(D) If the state board requires any examinations for 225
educator licensure, the department of education shall provide 226
the results of such examinations received by the department to 227
the chancellor of higher education, in the manner and to the 228
extent permitted by state and federal law. 229

(E) Any rules the state board of education adopts, amends, 230
or rescinds for educator licenses under this section, division 231
(D) of section 3301.07 of the Revised Code, or any other law 232
shall be adopted, amended, or rescinded under Chapter 119. of 233
the Revised Code except as follows: 234

(1) Notwithstanding division (E) of section 119.03 and 235
division (A)(1) of section 119.04 of the Revised Code, in the 236
case of the adoption of any rule or the amendment or rescission 237
of any rule that necessitates institutions' offering preparation 238
programs for educators and other school personnel that are 239
approved by the chancellor of higher education under section 240
3333.048 of the Revised Code to revise the curriculum of those 241
programs, the effective date shall not be as prescribed in 242
division (E) of section 119.03 and division (A)(1) of section 243
119.04 of the Revised Code. Instead, the effective date of such 244
rules, or the amendment or rescission of such rules, shall be 245
the date prescribed by section 3333.048 of the Revised Code. 246

(2) Notwithstanding the authority to adopt, amend, or 247
rescind emergency rules in division (G) of section 119.03 of the 248
Revised Code, this authority shall not apply to the state board 249
of education with regard to rules for educator licenses. 250

(F)(1) The rules adopted under this section establishing 251
standards requiring additional coursework for the renewal of any 252
educator license shall require a school district and a chartered 253
nonpublic school to establish local professional development 254

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

(2) In any school district in which there is no exclusive 268
representative established under Chapter 4117. of the Revised 269
Code, the professional development committees shall be 270
established as described in division (F) (2) of this section. 271

Not later than the effective date of the rules adopted 272
under this section, the board of education of each school 273
district shall establish the structure for one or more local 274
professional development committees to be operated by such 275
school district. The committee structure so established by a 276
district board shall remain in effect unless within thirty days 277
prior to an anniversary of the date upon which the current 278
committee structure was established, the board provides notice 279
to all affected district employees that the committee structure 280
is to be modified. Professional development committees may have 281
a district-level or building-level scope of operations, and may 282
be established with regard to particular grade or age levels for 283
which an educator license is designated. 284

Each professional development committee shall consist of 285
at least three classroom teachers employed by the district, one 286
principal employed by the district, and one other employee of 287
the district appointed by the district superintendent. For 288
committees with a building-level scope, the teacher and 289
principal members shall be assigned to that building, and the 290
teacher members shall be elected by majority vote of the 291
classroom teachers assigned to that building. For committees 292
with a district-level scope, the teacher members shall be 293
elected by majority vote of the classroom teachers of the 294
district, and the principal member shall be elected by a 295
majority vote of the principals of the district, unless there 296
are two or fewer principals employed by the district, in which 297
case the one or two principals employed shall serve on the 298
committee. If a committee has a particular grade or age level 299
scope, the teacher members shall be licensed to teach such grade 300
or age levels, and shall be elected by majority vote of the 301
classroom teachers holding such a license and the principal 302
shall be elected by all principals serving in buildings where 303
any such teachers serve. The district superintendent shall 304
appoint a replacement to fill any vacancy that occurs on a 305
professional development committee, except in the case of 306
vacancies among the elected classroom teacher members, which 307
shall be filled by vote of the remaining members of the 308
committee so selected. 309

Terms of office on professional development committees 310
shall be prescribed by the district board establishing the 311
committees. The conduct of elections for members of professional 312
development committees shall be prescribed by the district board 313
establishing the committees. A professional development 314
committee may include additional members, except that the 315

majority of members on each such committee shall be classroom 316
teachers employed by the district. Any member appointed to fill 317
a vacancy occurring prior to the expiration date of the term for 318
which a predecessor was appointed shall hold office as a member 319
for the remainder of that term. 320

The initial meeting of any professional development 321
committee, upon election and appointment of all committee 322
members, shall be called by a member designated by the district 323
superintendent. At this initial meeting, the committee shall 324
select a chairperson and such other officers the committee deems 325
necessary, and shall adopt rules for the conduct of its 326
meetings. Thereafter, the committee shall meet at the call of 327
the chairperson or upon the filing of a petition with the 328
district superintendent signed by a majority of the committee 329
members calling for the committee to meet. 330

(3) In the case of a school district in which an exclusive 331
representative has been established pursuant to Chapter 4117. of 332
the Revised Code, professional development committees shall be 333
established in accordance with any collective bargaining 334
agreement in effect in the district that includes provisions for 335
such committees. 336

If the collective bargaining agreement does not specify a 337
different method for the selection of teacher members of the 338
committees, the exclusive representative of the district's 339
teachers shall select the teacher members. 340

If the collective bargaining agreement does not specify a 341
different structure for the committees, the board of education 342
of the school district shall establish the structure, including 343
the number of committees and the number of teacher and 344
administrative members on each committee; the specific 345

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

(4) Whenever an administrator's coursework plan is being 360
discussed or voted upon, the local professional development 361
committee shall, at the request of one of its administrative 362
members, cause a majority of the committee to consist of 363
administrative members by reducing the number of teacher members 364
voting on the plan. 365

(G)(1) The department of education, educational service 366
centers, county boards of developmental disabilities, ~~regional-~~ 367
~~professional development centers, special education regional-~~ 368
~~resource centers,~~ college and university departments of 369
education, head start programs, and the Ohio education computer 370
network may establish local professional development committees 371
to determine whether the coursework proposed by their employees 372
who are licensed or certificated under this section or section 373
3319.222 of the Revised Code, or under the former version of 374
either section as it existed prior to October 16, 2009, meet the 375
requirements of the rules adopted under this section. They may 376

establish local professional development committees on their own 377
or in collaboration with a school district or other agency 378
having authority to establish them. 379

Local professional development committees established by 380
county boards of developmental disabilities shall be structured 381
in a manner comparable to the structures prescribed for school 382
districts in divisions (F) (2) and (3) of this section, as shall 383
the committees established by any other entity specified in 384
division (G) (1) of this section that provides educational 385
services by employing or contracting for services of classroom 386
teachers licensed or certificated under this section or section 387
3319.222 of the Revised Code, or under the former version of 388
either section as it existed prior to October 16, 2009. All 389
other entities specified in division (G) (1) of this section 390
shall structure their committees in accordance with guidelines 391
which shall be issued by the state board. 392

(2) Educational service centers may establish local 393
professional development committees to serve educators who are 394
not employed in schools in this state, including pupil services 395
personnel who are licensed under this section. Local 396
professional development committees shall be structured in a 397
manner comparable to the structures prescribed for school 398
districts in divisions (F) (2) and (3) of this section. 399

These committees may agree to review the coursework, 400
continuing education units, or other equivalent activities 401
related to classroom teaching or the area of licensure that is 402
proposed by an individual who satisfies both of the following 403
conditions: 404

(a) The individual is licensed or certificated under this 405
section or under the former version of this section as it 406

existed prior to October 16, 2009. 407

(b) The individual is not currently employed as an 408
educator or is not currently employed by an entity that operates 409
a local professional development committee under this section. 410

Any committee that agrees to work with such an individual 411
shall work to determine whether the proposed coursework, 412
continuing education units, or other equivalent activities meet 413
the requirements of the rules adopted by the state board under 414
this section. 415

(3) Any public agency that is not specified in ~~division-~~ 416
divisions (G) (1) or (2) of this section but provides educational 417
services and employs or contracts for services of classroom 418
teachers licensed or certificated under this section or section 419
3319.222 of the Revised Code, or under the former version of 420
either section as it existed prior to October 16, 2009, may 421
establish a local professional development committee, subject to 422
the approval of the department of education. The committee shall 423
be structured in accordance with guidelines issued by the state 424
board. 425

(H) Not later than July 1, 2016, the state board, in 426
accordance with Chapter 119. of the Revised Code, shall adopt 427
rules pursuant to division (A) (3) of this section that do both 428
of the following: 429

(1) Exempt consistently high-performing teachers from the 430
requirement to complete any additional coursework for the 431
renewal of an educator license issued under this section or 432
section 3319.26 of the Revised Code. The rules also shall 433
specify that such teachers are exempt from any requirements 434
prescribed by professional development committees established 435

under divisions (F) and (G) of this section. 436

(2) For purposes of division (H)(1) of this section, the 437
state board shall define the term "consistently high-performing 438
teacher." 439

Section 2. That existing sections 3311.056 and 3319.22 of 440
the Revised Code are hereby repealed. 441