

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**S. B. No. 306**

**Senator Brenner**

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**A BILL**

To enact section 3333.0418 of the Revised Code and 1  
to amend Section 209.30 of H.B. 169 of the 134th 2  
General Assembly to require the Chancellor of 3  
Higher Education to establish a program in 4  
tutoring and remedial instruction and to earmark 5  
an appropriation. 6

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

**Section 1.** That section 3333.0418 of the Revised Code be 7  
enacted to read as follows: 8

**Sec. 3333.0418.** As used in this section, "public school" 9  
means a school building operated by a school district or other 10  
public school, as defined in section 3301.0711 of the Revised 11  
Code. 12

(A) The chancellor of higher education shall establish a 13  
program to provide tutoring and remedial education services in 14  
reading and English language arts, mathematics, science, and 15  
social studies to students at public and chartered nonpublic 16  
schools that elect to participate in the program. Tutors shall 17  
not be considered employees of the public or chartered nonpublic 18  
school in which they provide tutoring services. Rather, the 19

tutors shall be employed and placed in schools by participating 20  
educational service centers. 21

To be eligible to participate as a tutor under the 22  
program, an individual shall be at least one of the following: 23

(1) A retired teacher or substitute teacher who does not 24  
hold a valid educator license, certificate, or permit issued 25  
under Chapter 3319. or section 3301.071 of the Revised Code; 26

(2) A student enrolled in an educator preparation program 27  
approved under section 3333.048 of the Revised Code; 28

(3) An individual, not described in division (A)(1) or (2) 29  
of this section, who is determined to be eligible by a 30  
participating educational service center in accordance with 31  
standards established by the chancellor. 32

(B) The chancellor, with assistance from the department of 33  
education and participating educational service centers, and in 34  
consultation with public and chartered nonpublic schools, shall 35  
administer and implement the program as follows: 36

(1) The chancellor shall establish application procedures 37  
for educational service centers, public and chartered nonpublic 38  
schools, and tutors who wish to participate. 39

(2) The chancellor shall establish standards for 40  
determining the eligibility of tutors under division (A)(3) of 41  
this section. 42

(3) The chancellor, in consultation with representatives 43  
from educational service centers selected by the chancellor, 44  
shall create a training course for tutors described in division 45  
(A)(1) or (3) of this section who do not hold valid educator 46  
licenses, certificates, or permits issued under Chapter 3319. or 47

section 3301.071 of the Revised Code. Development of the 48  
training course shall be completed not later than sixty days 49  
after the effective date of this section. 50

(4) The department of education shall serve as the fiscal 51  
agent for the program. The department shall provide for 52  
administrative and implementation costs, costs of developing the 53  
training course described in division (B)(3) of this section, 54  
and provide technical assistance at the request of the 55  
chancellor. 56

The department shall not compensate tutors under the 57  
program. 58

(5) Educational service centers selected by the chancellor 59  
shall administer the training course developed under division 60  
(B)(3) of this section. 61

(6) Each educational service center shall coordinate the 62  
placement of tutors at the participating public and chartered 63  
nonpublic schools within its service territory. 64

(7) Each participating educational service center shall 65  
require an individual it employs as a tutor under this section 66  
to comply with a criminal records check as prescribed by section 67  
3319.391 of the Revised Code. In a manner prescribed by the 68  
department of education, the individual shall submit information 69  
to the department so that the department may enroll that 70  
individual in the retained applicant fingerprint database 71  
established under section 109.5721 of the Revised Code in the 72  
same manner as any teacher licensed under sections 3319.22 to 73  
3319.31 of the Revised Code. 74

(8) Participation by public and chartered nonpublic 75  
schools is voluntary. Each participating school shall have the 76

ultimate authority over how best to incorporate tutors into the 77  
school setting, but such determinations shall be made in 78  
cooperation with the educational service center. Program 79  
activities may take place before, during, or after school as 80  
well as during breaks from school such as weekends, holidays, or 81  
summer vacation. Program activities may take place on an online 82  
platform or in person, including on school premises or in 83  
another public location the school's governing body and 84  
educational service center determine to be appropriate. 85

A participating school shall provide necessary materials, 86  
space, and equipment for tutors placed in the school. A 87  
participating school may transfer funds to the educational 88  
service center that employs those tutors, so that the service 89  
center may provide tutors with a payment or other benefits, 90  
including a student loan repayment on behalf of the tutor. The 91  
chancellor shall create a list of benefits which a participant 92  
may receive in lieu of a payment. 93

Participating schools shall use their own funds to pay 94  
costs incurred from participating in the program. 95

(C) Subject to the approval of their institutions of 96  
higher education, tutors described in division (A)(2) of this 97  
section may receive course credit toward the completion of their 98  
educator preparation programs for their time spent tutoring 99  
under this section. 100

(D) Upon the completion of each of the 2021-2022, 2022- 101  
2023, and 2023-2024 school years, the department of education 102  
shall conduct a review of the program's effectiveness in 103  
providing remedial education to students. Based on each of those 104  
reviews, the department shall issue a report its findings. The 105  
report also shall include the number of participating public and 106

chartered nonpublic schools, tutors, and students, as well 107  
whether tutoring in a particular school was provided on an 108  
online platform or in-person. The department shall, in 109  
accordance with section 101.68 of the Revised Code, submit those 110  
reports to the general assembly, as follows: 111

(1) The report for the 2021-2022 school year shall be 112  
submitted not later than September 15, 2022. 113

(2) The report for the 2022-2023 school year shall be 114  
submitted not later than September 15, 2023. 115

(1) The report for the 2023-2024 school year shall be 116  
submitted not later than September 15, 2024. 117

(E) Nothing in this section shall be construed as 118  
prohibiting a public or chartered nonpublic school from 119  
contracting or partnering with another entity to provide 120  
tutoring services to the school's students. 121

**Section 2.** That Section 209.30 of H.B. 169 of the 134th 122  
General Assembly be amended to read as follows: 123

**Sec. 209.30.** FEDERAL CORONAVIRUS SCHOOL RELIEF 124

(A) Of the foregoing appropriation item 200640, Federal 125  
Coronavirus School Relief, up to \$6,500,000 in fiscal year 2022 126  
shall be distributed to the Management Council of the Ohio 127  
Education Computer Network to increase the bandwidth of the 128  
middle mile connections to the state broadband backbone managed 129  
by the Ohio Technology Consortium. These funds shall support 130  
information technology centers established under section 131  
3301.075 of the Revised Code and select urban school districts 132  
that connect to the state broadband backbone directly rather 133  
than through an information technology center. The Department of 134  
Education shall support the set-aside in division (A) of this 135

section using the funds for emergency needs authorized under 136  
Title III, Sec. 313(e) of the federal "Consolidated 137  
Appropriations Act, 2021," Pub. L. No. 116-260. 138

(B) Of the foregoing appropriation item 200640, Federal 139  
Coronavirus School Relief, up to \$92,243,663 in fiscal year 2022 140  
shall be used to distribute grants to city, local, and exempted 141  
village school districts, community schools, and STEM schools 142  
according to a distribution mechanism determined by the 143  
Department of Education. The Department shall determine the 144  
distribution by first determining the per-pupil funding each 145  
district or school received under Title III, Sec. 313(c) of the 146  
federal "Consolidated Appropriations Act, 2021," Pub. L. No. 147  
116-260, and Title II, Sec. 2001(d) of the federal "American 148  
Rescue Plan Act of 2021," Pub. L. No. 117-2. The Department 149  
shall award funds to districts and schools to equalize per-pupil 150  
funding up to a minimum amount. 151

The funds distributed pursuant to division (B) of this 152  
section shall be used by recipients for any of the allowable 153  
uses enumerated for the Elementary and Secondary School 154  
Emergency Relief Fund under Title III, Sec. 313(d) of the 155  
federal "Consolidated Appropriations Act, 2021," Pub. L. No. 156  
116-260, or Title II, Sec. 2001(e)(2) of the federal "American 157  
Rescue Plan Act of 2021," Pub. L. No. 117-2. 158

The Department of Education shall support the set-aside in 159  
division (B) of this section using the funds for emergency needs 160  
authorized under Title III, Sec. 313(e) of the federal 161  
"Consolidated Appropriations Act, 2021," Pub. L. No. 116-260 and 162  
Title II, Sec. 2001(f)(4) of the federal "American Rescue Plan 163  
Act of 2021," Pub. L. No. 117-2. 164

(C) (1) Of the foregoing appropriation item 200640, Federal 165

Coronavirus School Relief, up to \$15,000,000 in fiscal year 2022 166  
shall be used by the Department of Education through grants or 167  
contracts to support student wellness and success initiatives, 168  
including, but not limited to, mental health, prevention 169  
education, suicide prevention, trauma informed practices, and 170  
other initiatives supporting non-academic barriers to student 171  
success. The Department of Education shall consult with and may 172  
provide funds to the Department of Mental Health and Addiction 173  
Services to support this work. 174

(2) Of the foregoing appropriation item 200640, Federal 175  
Coronavirus School Relief, up to \$11,000,000 in fiscal year 2022 176  
shall be used to support family and community liaisons at 177  
educational service centers and the Ohio Statewide Family 178  
Engagement Center. 179

(3) Of the foregoing appropriation item 200640, Federal 180  
Coronavirus School Relief, up to \$5,200,000 in fiscal year 2022 181  
shall be used by the Department of Education, in partnership 182  
with the Department of Higher Education, to increase the number 183  
of candidates admitted to educator licensure programs and 184  
address shortages of educators across the state. 185

(4) Of the foregoing appropriation item 200640, Federal 186  
Coronavirus School Relief, up to \$5,000,000 in fiscal year 2022 187  
shall be used by the Department of Education through grants or 188  
contracts to support evidenced-based strategies to increase 189  
attendance and decrease chronic absenteeism in partnership with 190  
the Stay in the Game Network. 191

(5) Of the foregoing appropriation item 200640, Federal 192  
Coronavirus School Relief, up to \$3,000,000 in fiscal year 2022 193  
shall be distributed to the Management Council of the Ohio 194  
Education Computer Network to support school districts, schools, 195

students, and families with internet connectivity, device 196  
barriers, and other supports for remote, hybrid, and in-person 197  
education experiences. 198

(6) Of the foregoing appropriation item 200640, Federal 199  
Coronavirus School Relief, up to \$3,000,000 in fiscal year 2022 200  
shall be distributed to the Literacy Lab for its Leading Men 201  
Fellowship to support a mentoring program and provide increased 202  
support for literacy programming in high needs preschool 203  
programs. 204

(7) Of the foregoing appropriation item 200640, Federal 205  
Coronavirus School Relief, up to \$2,691,079 in fiscal year 2022 206  
shall be used by the Department of Education through grants or 207  
contracts to support activities related to college and career 208  
readiness, graduation attainment, graduation pathways, student 209  
access to graduation pathways, and Ohio high school redesign. 210

(8) Of the foregoing appropriation item 200640, Federal 211  
Coronavirus School Relief, up to \$2,000,000 in fiscal year 2022 212  
shall be used by the Department of Education to pilot pre- 213  
kindergarten to postsecondary regional partnerships connecting 214  
education and the workforce. The Department shall distribute 215  
grants to support regional collaboration pilot programs among 216  
early learning, primary and secondary school, postsecondary 217  
institution, and workforce partners that align educational 218  
resources with regional in-demand jobs and workforce skills. A 219  
portion of this set-aside shall be used to support career 220  
development opportunities. 221

(9) The Department of Education shall support the set- 222  
asides in division (C) of this section using the funds for 223  
emergency needs authorized under Title II, Sec. 2001(f)(4) of 224  
the federal "American Rescue Plan Act of 2021," Pub. L. No. 117- 225

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(D) (1) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, up to \$70,000,000 in fiscal year 2022 shall be used by the Department of Education through grants or contracts to support learning loss and academic recovery efforts. These funds shall be used to support initiatives allowed under Title II, Sec. 2001(f)(1) of the federal "American Rescue Plan Act of 2021," Pub. L. No. 117-2, in at least the following areas: literacy, dyslexia, STEM, mathematics, personalized learning, professional learning, digital resources, remote learning supports, English learners, and high-quality instructional materials.	227 228 229 230 231 232 233 234 235 236 237
(2) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, up to \$30,000,000 in fiscal year 2022 shall be used by the Department of Education through grants or contracts to pilot the use of instructional materials and programs focused on addressing learning loss with school districts and schools across the state. In awarding grants or contracts, the Department shall ensure programs cover different academic subjects and grade bands.	238 239 240 241 242 243 244 245
(3) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, up to \$17,900,000 in fiscal year 2022 shall be distributed to the Boys and Girls Clubs Ohio Alliance. These funds shall be used to support the establishment and expansion of Boys and Girls Clubs in Ohio cities not already served by Boys and Girls Clubs to support before- and after-school programming. These funds shall also be used to support academic programs to address learning loss.	246 247 248 249 250 251 252 253
(4) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, up to \$11,000,000 in fiscal year 2022	254 255

shall be used by the Department of Education through grants or 256  
contracts to support school improvement in the lowest performing 257  
school districts and schools. 258

(5) Of the foregoing appropriation item 200640, up to 259  
\$8,000,000 in fiscal year 2022 shall be used by the Department 260  
of Education, in partnership with the Department of 261  
Developmental Disabilities, to support the LearningAid Ohio 262  
initiative to provide tutoring and supports for students with 263  
disabilities. 264

(6) Of the foregoing appropriation item 200640, Federal 265  
Coronavirus School Relief, up to \$7,500,000 in fiscal year 2022 266  
shall be used by the Department of Education through grants or 267  
contracts for learning recovery data supports. A portion of the 268  
funds shall be used by the Department to support pandemic- 269  
related assessment tools that provide quick results for school 270  
districts and schools and related pandemic data supports. The 271  
funds shall be used to collect and analyze data to inform 272  
intervention and instruction. 273

(7) Of the foregoing appropriation item 200640, Federal 274  
Coronavirus School Relief, up to \$4,000,000 in fiscal year 2022 275  
shall be distributed to the Center of Science and Industry 276  
(COSI) to support the Ohio Distance Learning Initiative. 277

(8) Of the foregoing appropriation item 200640, Federal 278  
Coronavirus School Relief, up to \$2,000,000 in fiscal year 2022 279  
shall be used by the Department of Education for the following 280  
purposes: 281

(a) In consultation with the Department of Higher 282  
Education, for purposes of division (B)(4) of section 3333.0418 283  
of the Revised Code; 284

(b) To pay the costs of the criminal records checks and retained applicant fingerprint database enrollment required by division (B) (7) of section 3333.0418 of the Revised Code. 285  
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(9) The Department of Education shall support the set- 288  
asides in division (D) of this section using the state activity 289  
funds authorized under Title II, Sec. 2001(f) (1) of the federal 290  
"American Rescue Plan Act of 2021," Pub. L. No. 117-2. 291

~~(9)~~ (10) Of the foregoing appropriation item 200640, 292  
Federal Coronavirus School Relief, an amount shall be available 293  
in fiscal year 2022 to disburse any remaining state activity 294  
funds required under Title II, Sec. 2001(f) (1) of the federal 295  
"American Rescue Plan Act of 2021," Pub. L. No. 117-2. Any such 296  
remaining funds shall be used by the Department of Education to 297  
support learning recovery initiatives at educational service 298  
centers. Educational service centers shall use these funds to 299  
support regional and statewide initiatives identified following 300  
the review of extended learning plans submitted by client school 301  
districts. The Department may require a portion of the funds to 302  
be used to support statewide initiatives related to learning 303  
loss. 304

(E) Of the foregoing appropriation item 200640, Federal 305  
Coronavirus School Relief, \$44,752,435 in fiscal year 2022 shall 306  
be used by the Department of Education to administer a grant 307  
program to support summer enrichment activities in a manner 308  
determined by the Superintendent of Public Instruction. Priority 309  
shall be given to non-profit organizations with partnerships 310  
with school districts and schools. The Department of Education 311  
shall support the set-aside in division (E) of this section 312  
using the state activity funds authorized under Title II, Sec. 313  
2001(f) (2) of the federal "American Rescue Plan Act of 2021," 314

Pub. L. No. 117-2.	315
(F) Of the foregoing appropriation item 200640, Federal	316
Coronavirus School Relief, \$44,752,435 in fiscal year 2022 shall	317
be used by the Department of Education to administer a grant	318
program to support comprehensive afterschool programs in a	319
manner determined by the Superintendent of Public Instruction.	320
Priority shall be given to non-profit organizations with	321
partnerships with school districts and schools. The Department	322
of Education shall support the setaside in division (F) of this	323
section using the state activity funds authorized under Title	324
II, Sec. 2001(f)(3) of the federal "American Rescue Plan Act of	325
2021," Pub. L. No. 117-2.	326
<b>Section 3.</b> That existing Section 209.30 of H.B. 169 of the	327
134th General Assembly is hereby repealed.	328