A BILL

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

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

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

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

(A) The chancellor of higher education shall establish a program to provide tutoring and remedial education services in reading and English language arts, mathematics, science, and social studies to students at public and chartered nonpublic schools that elect to participate in the program. Tutors shall not be considered employees of the public or chartered nonpublic school in which they provide tutoring services. Rather, the
tutors shall be employed and placed in schools by participating educational service centers.

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

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

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

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

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

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

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

(3) The chancellor, in consultation with representatives from educational service centers selected by the chancellor, shall create a training course for tutors described in division (A)(1) or (3) of this section who do not hold valid educator licenses, certificates, or permits issued under Chapter 3319. or
section 3301.071 of the Revised Code. Development of the training course shall be completed not later than sixty days after the effective date of this section.

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

The department shall not compensate tutors under the program.

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

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

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

(8) Participation by public and chartered nonpublic schools is voluntary. Each participating school shall have the
ultimate authority over how best to incorporate tutors into the school setting, but such determinations shall be made in cooperation with the educational service center. Program activities may take place before, during, or after school as well as during breaks from school such as weekends, holidays, or summer vacation. Program activities may take place on an online platform or in person, including on school premises or in another public location the school's governing body and educational service center determine to be appropriate.

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

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

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

(D) Upon the completion of each of the 2021-2022, 2022-2023, and 2023-2024 school years, the department of education shall conduct a review of the program's effectiveness in providing remedial education to students. Based on each of those reviews, the department shall issue a report its findings. The report also shall include the number of participating public and
chartered nonpublic schools, tutors, and students, as well whether tutoring in a particular school was provided on an online platform or in-person. The department shall, in accordance with section 101.68 of the Revised Code, submit those reports to the general assembly, as follows:

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

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

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

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

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

Sec. 209.30. FEDERAL CORONAVIRUS SCHOOL RELIEF

(A) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, up to $6,500,000 in fiscal year 2022 shall be distributed to the Management Council of the Ohio Education Computer Network to increase the bandwidth of the middle mile connections to the state broadband backbone managed by the Ohio Technology Consortium. These funds shall support information technology centers established under section 3301.075 of the Revised Code and select urban school districts that connect to the state broadband backbone directly rather than through an information technology center. The Department of Education shall support the set-aside in division (A) of this
section using the funds for emergency needs authorized under Title III, Sec. 313(e) of the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260.

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

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

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

(C)(1) Of the foregoing appropriation item 200640, Federal
Coronavirus School Relief, up to $15,000,000 in fiscal year 2022 shall be used by the Department of Education through grants or contracts to support student wellness and success initiatives, including, but not limited to, mental health, prevention education, suicide prevention, trauma informed practices, and other initiatives supporting non-academic barriers to student success. The Department of Education shall consult with and may provide funds to the Department of Mental Health and Addiction Services to support this work.

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

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

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

(5) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, up to $3,000,000 in fiscal year 2022 shall be distributed to the Management Council of the Ohio Education Computer Network to support school districts, schools,
students, and families with internet connectivity, device
barriers, and other supports for remote, hybrid, and in-person
education experiences.

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

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

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

(9) The Department of Education shall support the set-
asides in division (C) of this section using the funds for
emergency needs authorized under Title II, Sec. 2001(f)(4) of
the federal "American Rescue Plan Act of 2021," Pub. L. No. 117-
2. 

(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.

(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.

(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.

(4) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, up to $11,000,000 in fiscal year 2022
shall be used by the Department of Education through grants or contracts to support school improvement in the lowest performing school districts and schools.

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

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

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

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

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

(9) The Department of Education shall support the set-asides in division (D) of this section using the state activity funds authorized under Title II, Sec. 2001(f)(1) of the federal "American Rescue Plan Act of 2021," Pub. L. No. 117-2.

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

(E) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, $44,752,435 in fiscal year 2022 shall be used by the Department of Education to administer a grant program to support summer enrichment activities in a manner determined by the Superintendent of Public Instruction. Priority shall be given to non-profit organizations with partnerships with school districts and schools. The Department of Education shall support the set-aside in division (E) of this section using the state activity funds authorized under Title II, Sec. 2001(f)(2) of the federal "American Rescue Plan Act of 2021,"
(F) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, $44,752,435 in fiscal year 2022 shall be used by the Department of Education to administer a grant program to support comprehensive afterschool programs in a manner determined by the Superintendent of Public Instruction. Priority shall be given to non-profit organizations with partnerships with school districts and schools. The Department of Education shall support the setaside in division (F) of this section using the state activity funds authorized under Title II, Sec. 2001(f)(3) of the federal "American Rescue Plan Act of 2021," Pub. L. No. 117-2.

Section 3. That existing Section 209.30 of H.B. 169 of the 134th General Assembly is hereby repealed.