

Ohio General Assembly Concludes Spring Session with Key Education-Related Bills

By Sherri Warner

The Ohio General Assembly has concluded its spring session, passing several education-related bills now on the way to Governor DeWine for his signature. Governor DeWine is not expected to veto any of the measures, so districts should begin planning now for how they will come into compliance. Below is an outline of the bills and a brief explanation of their requirements for districts.

SB 112 - Ohio Childhood Safety Act

SB 112 requires that all protective door assemblies in buildings with students pass inspection by a certified inspector, and those found noncompliant be brought into compliance within 18 months of the failed inspection. Doors installed in 2015 or later must meet the 2015 NFPA 101 standards or others required by the Ohio Building Code. Doors installed prior to 2015 must meet the building standards in effect at the time of the door's installation. The changes made in the House means districts do not have to bring all of their doors into 2015 NFPA compliance, however as doors are replaced, they will need to meet the new standards.

Districts are required to maintain records of the inspections which are open to inspection. Local fire departments can complete these inspections when they complete the annual inspection currently required. The State Fire Marshal will adopt rules to implement the bill including a rule that temporary door-locking devices, in compliance with rules adopted by the State Fire Marshal, meet the standards required in the bill regardless of the requirements under NFPA.

SB 29 – Student Data Privacy Protections

SB 29 imposes new restrictions on data collected and stored by districts or their vendors. It also restricts the ability of districts to monitor school issued devices in most instances. The bill states that all data created, collected or maintained by a district is the property of the district and not the third-party technology provider or vendor. Further, it prohibits the third-party provider/vendor from selling or distributing the data in any way and imposes a process that must be followed should a data breach occur. This process applies to all breaches whether made by the provider/vendor or district personnel. The bill grants the authority to the State Board of Education to take action against an individual's license should they release confidential information.

Significant concerns from the education community led to amendments allowing districts to monitor devices under specific conditions:

- Limited educational purposes by teachers, district, vendors or DEW with prior notice to parents;
- Court orders;
- Reports of missing or stolen devices;
- Compliance with federal or state law;

- Participating in state or federal funding programs;
- Response to a threat to life or safety.

Districts must provide annual notice to parents if monitoring is occurring and notify parents within 72 hours if their child triggers a concern from the monitoring. Notifications must include a written description of the event and the device involved.

SB 168 – Education Deregulation Bill

SB 168 includes several provisions impacting districts including:

- Allowing districts to develop their own teacher evaluation framework, with additional requirements for the Cleveland Metropolitan School District.
- Codifying a definition of “consistently high-performing teacher or school counselor,” rather than leaving that to the State Board of Education.
- Eliminating the requirement for supplemental contracts for teachers voluntarily teaching outside normal hours, provided they do not exceed 40 hours a week and comply with the collective bargaining agreement.
- Reducing the requirement for a senior professional educator or lead professional educator license from a master’s degree to a bachelor’s degree.
- Creating an alternative pathway for individuals seeking to become administrators without obtaining a master’s degree. This replaced the language that authorized the issuance of an administrator’s license with only a bachelor’s degree. It also requires the Department to create a school principal apprenticeship program.
- Requiring a license for an applicant with a master’s degree who passes a required subject matter test, with pedagogical training required during the initial license period.
- Codifying current administrative rules for out-of-state educators.
- Correcting grade bands to 7-12, eliminating additional reading professional development requirements for 7-12 teachers required of teachers licensed for 6th grade.

Other provisions in the bill include a pilot program to determine the feasibility of remotely offered and proctored state assessments; requiring districts that hold any open enrollment lottery do so by the second Monday of June; requiring boards of education to hold a hearing 30 days prior to adopting of a school calendar; changing references to “venereal disease” to “sexually transmitted infections”; and modifying language used by districts when discussing the consequences of childbirth out of wedlock. In addition, the threshold for competitive bidding is increased to \$75,000 a year and will increase annually by 3%, and it imposes notice requirements to the state pension systems by boards or commissions that rehire an employee whose position is normally filled by a vote.

Regarding academic improvement, the bill requires the Department to create a “School Turnaround Pilot Program” for a five-year period aimed at chronically low performing schools. It also clarifies that the Department cannot allege a district is out of compliance with transportation requirements if they are providing supervised academic services to those students impacted by the late pickup.

There are several additional provisions in the bill impacting community schools and e-schools including evaluation framework, supplemental funding and increased ability to sponsor additional schools or expand enrollment.

HB 214 – Religious Expression Days/Protection of Political Rights

HB 214 requires school districts adopt policies prohibiting the requirement for individuals to affirm specific political beliefs, ensuring that personal political views are respected. Additionally, the bill requires districts to accommodate students’ religious practices by excusing them for up to three days per school year for religious observance. Districts must post these policies along with a list of major religious holidays and ensure that students are not penalized for taking time off for religious reasons. The bill also allows for established character education programs that promote universally accepted values, provided they do not infringe on individual political beliefs. It is important to note that this version of the bill does not require staff be given the same religious accommodations.

HB 147 – Teacher Licensure Updates

HB 147 makes several updates to the laws governing teacher licensure by requiring districts file reports with the Superintendent of Public Instruction if a teacher retires during a disciplinary investigation or if the district removes a teacher from the eligible substitute list because they’ve committed an act unbecoming the profession. It also requires the State School Board to revoke a license of an individual who is convicted of prostitution. The bill had several amendments added which:

- Corrects the school funding formula which resulted in overpayments to districts in FY24 and FY25. There will be no “clawback” of funds for either year with the corrected formula implemented in FY26.
- Allows students receiving the Jon Peterson Special Needs and Autism scholarship to attend virtual classes offered by qualified credentialed providers.
- Requires background checks for early childhood staff located in public schools.
- Allows a student, subject to abuse or bullying in school, to join the sports team of a neighboring district. The neighboring district cannot charge any fee nor will the loss of playing time students face when switching teams apply.
- Prohibits districts from charging different ticket fees based on mode of payment and requires that district have a student rate for all events.

HB 47 – AED Bill

Requires every school district, community school, STEM school, college-preparatory boarding school and chartered nonpublic schools to have an automatic external defibrillator (AED) in each school under their control.

HB 183 – Bathroom Bill

Finally, while not yet ready for signature by the Governor, the House also amended HB 183, known as the bathroom bill, into SB 104 last evening. The bill prohibits schools and institutions of higher education from allowing a student to use a multi stall bathroom or locker room of the gender in which they identify.

The bill now returns to the Senate for concurrence and if passed by the Senate, will then go to the Governor for signature.

Should you have questions regarding any of these pieces of legislation or how to comply with these new requirements, please reach out to a member of the Roetzel Education Law Group.

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