



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 432*
135th General Assembly

Bill Analysis

[Click here for H.B. 432's Fiscal Note](#)

Version: As Reported by Senate Education

Primary Sponsor: Rep. Jones

Mariah Parr, Attorney

SUMMARY

Career-technical educator licenses

- Permits an applicant to apply for an initial career-technical workforce development educator license instead of only permitting an employing school district to apply on behalf of the applicant.
- Permits an applicant that has received an offer of employment to enroll in one of two alternative educator preparation programs in lieu of a career-technical workforce development educator preparation program offered by a higher education institution.
- Requires the State Board of Education to issue a career-technical educator license to certain individuals who are already validly licensed educators.

Student data privacy and school-issued devices

Student data privacy

- Clarifies that the State Board of Education may take licensure action against an individual who *purposely* uses or *intentionally* releases confidential student information for purposes other than student instruction if that release violates the Licensure Code of Professional Conduct for Ohio Educators.
- Revises terms and definitions used in student data privacy law.

* This analysis was prepared before the report of the Senate Education committee appeared in the Senate Journal. Note that the legislative history may be incomplete.

Access of school-issued devices

- Removes the requirement that schools provide advance notice prior to accessing school-issued devices in relation to an educational purpose.
- Permits access to school-issued devices subject to a subpoena.
- Limits the 72-hour parental notice of electronic access requirement to one of the following:
 - The access is under judicial warrant or subpoena or related to a missing or stolen device, and the school district initiates responsive action; or
 - The access is to prevent or respond to a threat to life or safety and the school district initiates action in response to specified events.
- Removes the requirement to give notice 72 hours after a threat to life or safety has ceased when the notice itself would pose a threat to life or safety.
- Requires a service contract between a school district and county board of developmental disabilities, educational service center, joint vocational school district, another school district, or an information technology center to indicate which contracting party is responsible for providing parental notice of access.

Emergency clause

- Makes the provisions of the bill regarding student data privacy and access of school-issued devices effective immediately.

STEM Program of Excellence designation

- Requires a STEM Program of Excellence to serve all students for whom the program is designed, rather than serve all students in the grade for which the program is designed or only gifted students.
- Maintains the requirement that a STEM Program of Excellence's curriculum emphasize design thinking but eliminates the requirement that it be a "school-wide approach."

Corrective changes

- Makes several corrective changes to the education law.

DETAILED ANALYSIS

Career-technical license

Who may request a license

The bill modifies the way in which an individual may qualify for a career-technical license issued by the State Board of Education. Currently, the superintendent of a school district that has agreed to employ an applicant must make a request to the State Board in order to begin the process of licensure issuance. Under the bill, the applicant may apply for a license without

obtaining an offer of employment.¹ Unlike a license issued through a school district, a license issued directly to an applicant does not limit the applicant to teaching in only the district that has agreed to employ the applicant.

Additional education

An individual who directly applies to the State Board for a career-technical license must be enrolled in a career-technical workforce development educator preparation program. The program must be approved by the Chancellor of Higher Education, provide classroom support, include at least three semester hours of coursework in the teaching of reading in the subject area, be aligned with career-technical education and workforce development competencies, use a summative performance-based assessment, and consist of at least 24 semester hours of coursework.

Alternative programs

In addition to the educator preparation program described above, the bill creates two alternative programs for individuals whom a district has agreed to employ and for whom the district superintendent requests a license in lieu of enrolling in a career-technical workforce development educator preparation program offered by an institution of higher education.²

Program created by lead district

An applicant described in the paragraph above may enroll in an alternative educator preparation program created by one or more lead districts. The program must be aligned with career-technical education and workforce development competencies developed by the Department of Education and Workforce and include both of the following:

1. At least nine credit hours or three semester hours of coursework in the area to be taught;
2. At least 45 hours of local professional development designed by the employing district

Two-year alternative license mentoring program

Such an applicant also may enroll in a two-year alternative career-technical licensure program with a mentoring program created by one or more lead districts, provided the program is aligned with career-technical education and workforce development competencies developed by the Department and includes the following:

1. A mentor with an educator license or who has served as an administrator;
2. A competency based self-assessment developed by the State Board, in consultation with individuals in the career-technical education field;
3. A personal learning plan approved by the lead district or its designee;

¹ R.C. 3319.229(C).

² R.C. 3319.229(D).

4. Participation in a structured mentoring program aligned to the personal learning plan and consisting of 90 clock hours of professional development during the initial licensure period.

Career-technical licenses for teachers licensed in other areas

Under the bill, the State Board must issue a two-year technical educator license to an individual who holds a valid educator license and who has at least five years of work experience in the subject area the individual will teach, if the superintendent of the employing school district has made an informal recommendation of appointment as a career-technical educator. In lieu of the field work requirement, the individual's work experience may be affirmed by a panel of experts (as required by the State Board). Once employed, the district or school must assign a mentor to that teacher.³

This license is renewable only once to enable the educator to obtain a professional career-technical workforce development educator license.

Advanced license for teachers licensed in other areas

The State Board must issue an advanced career-technical workforce development educator license to an educator licensed upon the completion of four years of teaching under the two-year technical educator license. The advanced license is valid for five years and is renewable.⁴

Student data privacy and school-issued devices

Student data privacy

Terminology

The bill makes several changes to terms defined in student data privacy law. The bill changes references to "educational records" to "education records" and redefines the term to align with the federal Family Educational Rights and Privacy Act (FERPA). Under FERPA, education records include those records, files, documents, and other materials which contain information directly related to a student and are maintained by an educational agency or institution or by a person acting for such agency or institution. FERPA excludes from education records all of the following:

1. Records of instructional, supervisory, and administrative personnel and ancillary educational personnel that are in the sole possession of the maker and are not accessible or revealed to any other person except for a substitute;
2. Records maintained by a law enforcement unit of the educational agency that were created by that law enforcement unit for law enforcement purposes;

³ R.C. 3319.2212(A).

⁴ R.C. 3319.2212(B).

3. In the case of an individual employed by an educational agency but who is not in attendance at such agency, records made and maintained in the normal course of business which relate exclusively to that individual in their capacity as an employee and are not available for use for any other purpose; and
4. Records on a student who is 18 years old or older, or who is attending an institution of post-secondary education, which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a professional or paraprofessional capacity, or assisting in that capacity, and which are made, maintained, or used only in connection with the provision of treatment to that student and are not available to anyone other than individuals providing such treatment or a physician or other appropriate professional of the student's choice.

The bill changes the definition of a "school-issued device" to require that the device be for "dedicated student use," instead of "dedicated personal use" as under current law. The bill also changes the definition of "student" to include individuals currently enrolled in any of grades kindergarten through 12 and exclude applicants and formerly enrolled students.

Finally, except for a contract that affects student education records for which a school district must provide notice, the bill excludes from the definition of "technology provider" any county board of developmental disabilities, educational service center, information technology center, assessment provider, curriculum provider, and other city, local, exempted village, or joint vocational school district that has a service contract with a school district that includes providing students with school-issued devices.⁵

Electronic access of school-issued devices

The bill makes changes to two of the exceptions to the prohibition on a school district or technology provider electronically accessing or monitoring school-issued devices. First, the bill eliminates the requirement to provide advance notice for access related to an educational purpose and corrects a reference to the Department of Education and Workforce in that exception. Second, the bill permits access subject to a subpoena and specifies that access under a judicial warrant or subpoena is permitted unless otherwise prohibited by state or federal law.

In addition, the bill limits the requirement for a school district to provide parental notice within 72 hours of accessing a school-issued device. Such notice must be provided if the access is under judicial warrant or subpoena or related to a missing or stolen device, and the school district initiates responsive action. 72-hour notice is also required if a school-issued device is accessed to prevent or respond to a threat to life or safety and the school district initiates action in response to a warrant, subpoena, or theft, for child abuse or neglect, or related to suspension or expulsion, harassment, intimidation, or bullying, or a threat assessment. Under current law, 72-hour notice is not required at any time when the notice itself would pose a threat to life or

⁵ R.C. 3319.325, 3319.326, and 3319.327; see also the Family Educational Rights and Privacy Act of 1974, 20 United States Code 1232g, not in bill.

safety, but instead must be provided within 72 hours of the threat ceasing. The bill eliminates the requirement for notice to be provided within 72 hours of a threat ceasing.

The bill requires a service contract 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 to indicate which contracting party is responsible for providing parental notice of access.⁶

Licensure disciplinary action

The bill clarifies that the State Board of Education may take licensure action against an individual who *purposely* uses or *intentionally* releases confidential student information for purposes other than student instruction if that use or release is done in violation of the Licensure Code of Professional Conduct for Ohio Educators.⁷

Emergency clause

The bill includes an emergency clause to make the provisions regarding student data privacy and school-issued devices effective immediately.⁸

STEM Program of Excellence designation

The bill requires a proposal for a STEM program seeking a STEM Program of Excellence designation to demonstrate that the program will serve all students for 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. Under current law, a proposal must demonstrate that the program serve all students in the grade for which the program is designed unless the program is designed to serve only students identified as gifted.

The bill also maintains a requirement that a proposal demonstrate that the program's curriculum emphasizes design thinking but eliminates the requirement that it be a "school-wide approach."⁹

Corrective changes

The bill makes the following corrective changes to the education law:¹⁰

- Removes a cross reference to a repealed requirement regarding annual reporting of community school academic and fiscal evaluation results;

⁶ R.C. 3319.327.

⁷ R.C. 3319.31.

⁸ Section 3.

⁹ R.C. 3326.04.

¹⁰ R.C. 3314.023, 3319.233, and 3320.04.

- Corrects the grade band specifications for a reading competency exam requirement for new educator licenses to pre-kindergarten through eight to align with the grade bands established under continuing law; and
- Requires the Director of Education and Workforce, instead of the state Superintendent, to provide public schools with a nonexhaustive list of major religious holidays or festivals for which a student may receive an excused absence for a religious expression day.

HISTORY

Action	Date
Introduced	02-27-24
Reported, H. Primary & Secondary Education	05-22-24
Passed House (84-6)	06-12-24
Reported, S. Education	---
