



Ohio Revised Code

Section 3301.28 Tutoring and remedial education program.

Effective: September 23, 2022

Legislation: House Bill 583 - 134th General Assembly

(A) As used in this section:

(1) "Coordinating service center" means the educational service center of central Ohio or its successor organization.

(2) "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, or a building operated by an educational service center.

(B) The superintendent of public instruction 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 either employed or engaged as a volunteer by the coordinating service center. The coordinating service center shall be responsible for compensating each individual it employs as a tutor using funds transferred from the school at which the individual works as a tutor. The coordinating service center may coordinate placement of tutors with the sixteen regional educational service centers, selected under division (C)(4) of this section, and other service centers as determined necessary by the coordinating service center.

Individuals who wish to participate in the program as tutors shall submit an application to the coordinating service center. Not later than sixty days after the effective date of this section, the coordinating service center shall establish application procedures for individuals who wish to participate in the program as tutors.

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



(1) A retired teacher or substitute teacher, regardless of whether the teacher holds a valid educator license, certificate, or permit issued under Chapter 3319. or section 3301.071 of the Revised Code, provided that the teacher has not had an educator license, certificate, or permit denied, suspended, or revoked by the state board of education under section 3319.31 of the Revised Code or entered into a consent agreement pursuant to division (E) of section 3319.311 of the Revised Code;

(2) An individual, not described in division (A)(1) of this section, who is determined to be eligible by the coordinating service center in accordance with standards established by the state superintendent.

(C) The state superintendent, with assistance from participating educational service centers, and in consultation with public and chartered nonpublic schools, shall administer and implement the program as follows:

(1) Not later than sixty days after the effective date of this section, the state superintendent shall establish standards for determining the eligibility of tutors under division (B)(2) of this section.

(2) Not later than sixty days after the effective date of this section, the coordinating service center, in consultation with the state superintendent, shall create a training course for tutors described in division (B) 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. The coordinating service center and state superintendent may establish additional training requirements for tutors who provide tutoring services to students with special needs or students with an individualized education program, as that term is defined in section 3323.01 of the Revised Code. In addition, the coordinating service center and state superintendent may continue to provide training to tutors after their placement in schools.

(3) 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 (C)(2) of this section, and provide technical assistance at the request of the coordinating service center.

The department shall not compensate tutors under the program.

The department shall not charge any registration fee to individuals who wish to participate in the



program as tutors.

(4) Educational service centers from each educational regional service system described in section 3312.02 of the Revised Code may select one educational service center to administer the training program for their region in conjunction with the coordinating service center. The educational service center selected for each region may cooperate with individual educational service centers to implement the training program.

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

(6) The coordinating service center shall require an individual employed or engaged as a volunteer as a tutor under this section to apply for and receive a registration from the department.

As a condition of registration under this section, an individual shall be subject to a criminal records check as prescribed by section 3319.39 or 3319.391 of the Revised Code, as appropriate. The individual shall request the criminal records check through the coordinating service center and shall submit the criminal records check to the department of education in a manner determined by the department. The department shall use the information submitted to enroll the 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.

If the department receives notification of the arrest or conviction of an individual registered under division (C)(6) of this section, the department shall promptly notify the coordinating service center and may take any action authorized under sections 3319.31 and 3319.311 of the Revised Code that the department considers appropriate. The department shall not accept the application of any individual under this section if the department learns that the individual has pleaded guilty to, has been found guilty by a jury or court of, or has been convicted of any of the offenses listed in division (C) of section 3319.31 of the Revised Code.

The department shall reimburse the coordinating service center for both of the following:

(a) Any costs incurred by the coordinating service center when assisting with the registration of



tutors with the department;

(b) The cost of the criminal records check required under this section.

(7) Participation by public and chartered nonpublic schools is voluntary. Public and chartered nonpublic schools that wish to participate in the tutoring and remedial education program shall notify the coordinating service center of their intention to do so.

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, at community-based youth development organizations, 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 shall transfer funds to the coordinating service center to assist the service center in making payments to tutors placed in the school and paying the cost of other benefits for the tutors. The state superintendent, in consultation with the chancellor of higher education, shall create a list of benefits which a participant may receive.

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

(D) Upon the completion of each of the 2022-2023, 2023-2024, and 2024-2025 school years, the department shall conduct a review of the program's effectiveness in providing tutoring and remedial education to students. Based on each of those reviews, the department shall issue a report of its findings. The report also shall include the number of participating public and chartered nonpublic schools, tutors, and students, as well as whether tutoring in a particular school was provided on an online platform or in-person. The department may request and collect data from public or chartered nonpublic schools and from educational service centers for the report. 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 2022-2023 school year shall be submitted not later than September 30, 2023.
 - (2) The report for the 2023-2024 school year shall be submitted not later than September 30, 2024.
 - (3) The report for the 2024-2025 school year shall be submitted not later than September 30, 2025.
- (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.