

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.<sup>3</sup>

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.<sup>4</sup>

## **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;

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<sup>3</sup> R.C. 3319.2212(A).

<sup>4</sup> 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.<sup>5</sup>

### **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

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<sup>5</sup> 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.<sup>6</sup>

### **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.<sup>7</sup>

### **Emergency clause**

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

## **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."<sup>9</sup>

## **Corrective changes**

The bill makes the following corrective changes to the education law:<sup>10</sup>

- Removes a cross reference to a repealed requirement regarding annual reporting of community school academic and fiscal evaluation results;

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<sup>6</sup> R.C. 3319.327.

<sup>7</sup> R.C. 3319.31.

<sup>8</sup> Section 3.

<sup>9</sup> R.C. 3326.04.

<sup>10</sup> R.C. 3314.023, 3319.233, and 3320.04.