

As Introduced

**126th General Assembly
Regular Session
2005-2006**

S. B. No. 392

Senator Gardner

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A BILL

To amend section 3313.53 of the Revised Code to 1
permit a school district board of education to 2
renew the contract of a director, supervisor, or 3
coach of a pupil-activity program who is not a 4
licensed educator without first offering that 5
position to a licensed educator. 6

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

Section 1. That section 3313.53 of the Revised Code be 7
amended to read as follows: 8

Sec. 3313.53. (A) As used in this section: 9

(1) "Licensed individual" means an individual who holds a 10
valid educator license, certificate, or permit issued by the state 11
board of education under section 3319.22, 3319.26, 3319.27, 12
3319.302, or 3319.304 of the Revised Code. 13

(2) "Nonlicensed individual" means an individual who does not 14
hold a valid educator license, certificate, or permit issued by 15
the state board of education under section 3319.22, 3319.26, 16
3319.27, 3319.302, or 3319.304 of the Revised Code. 17

(B) The board of education of any city, exempted village, or 18
local school district may establish and maintain in connection 19

with the public school systems: 20

(1) Manual training, industrial arts, domestic science, and 21
commercial departments; 22

(2) Agricultural, industrial, vocational, and trades schools. 23

Such board may pay from the public school funds, as other 24
school expenses are paid, the expenses of establishing and 25
maintaining such departments and schools and of directing, 26
supervising, and coaching the pupil-activity programs in music, 27
language, arts, speech, government, athletics, and any others 28
directly related to the curriculum. 29

(C) The board of education of any city, exempted village, or 30
local school district may employ a nonlicensed individual to 31
direct, supervise, or coach a pupil-activity program as long as 32
that individual holds a valid pupil-activity program permit issued 33
by the state board of education under division (A) of section 34
3319.303 of the Revised Code. 35

(D) A (1) Except as provided in division (D)(2) of this 36
section, a nonlicensed individual who holds a valid pupil-activity 37
program permit may be employed under division (C) of this section 38
only after the school district's board of education adopts a 39
resolution stating that it has offered such position to those 40
employees of the district who are licensed individuals and no such 41
employee qualified to fill the position has accepted it, and has 42
then advertised the position as available to any licensed 43
individual who is qualified to fill it and who is not employed by 44
the board, and no such person has applied for and accepted the 45
position. A 46

(2) A board of education may renew the contract of any 47
nonlicensed individual, currently employed by the board under 48
division (C) of this section for one or more years, without first 49
offering the position held by that individual to employees of the 50

district who are licensed individuals or advertising the position 51
as available to any qualified licensed individuals who are not 52
currently employed by the board as otherwise required under 53
division (D)(1) of this section. 54

(E) A nonlicensed individual ~~is~~ employed under this section 55
is a nonteaching employee and is not an educational assistant as 56
defined in section 3319.088 of the Revised Code. ~~As used in this~~ 57
~~division and division (C) of~~ A nonlicensed individual may direct, 58
supervise, or coach a pupil-activity program under this section~~7~~ 59
as long as that pupil-activity program does not include any class 60
or course required or offered for credit toward a pupil's 61
promotion to the next grade or for graduation, or any activity 62
conducted as a part of or required for such a class or course. A 63
nonlicensed individual employed under this section may perform 64
only the duties of the director, supervisor, or coach of the 65
pupil-activity program for which the nonlicensed individual is 66
employed. 67

(F) The board shall fix the compensation of ~~the~~ each 68
nonlicensed individual ~~is~~ employed under this section, which shall 69
be the same amount as the position was or would be offered to the 70
district's licensed employees, and execute a written contract with 71
the nonlicensed individual for a term not to exceed one year. The 72
contract shall specify the compensation, duration, and other terms 73
of employment, and the compensation shall not be reduced unless 74
such reduction is a part of a uniform plan affecting the entire 75
district. 76

If the state board suspends, revokes, or limits the 77
pupil-activity program permit of a nonlicensed individual, the 78
school district board may terminate or suspend the employment 79
contract of that individual. Otherwise, no contract issued under 80
this section shall be terminated or suspended except pursuant to 81
the procedure established by division (C) of section 3319.081 of 82

the Revised Code.

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Section 2. That existing section 3313.53 of the Revised Code
is hereby repealed.

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