



LEGISLATIVE UPDATE

December 1, 2022

LAME DUCK is in full swing at the Ohio Statehouse! After a break for the holiday, we're back for another busy week of the lame duck Ohio legislature. On the agenda this week are multiple proposals relating to how elections are conducted, as well as a number of proposals around education, criminal justice and workplace protections.

FYI: HB 454

The bill banning gender-affirming care for minors has been stalled!

State Board of Education to Vote on Anti-LGBTQ+ Resolution

The State Board of Education will vote on Member Mike Toal's resolution rejecting Title IX protections for LGBTQ+ students at the next Board meeting on December 13.

Full Schedule for Week of November 28: Senate | House

Wednesday, November 30, 2022

1:00pm - House Session

1:30pm - Senate Session

2:30pm - Senate Primary and Secondary Education Committee

- SB 361, Sponsor Hearing - Expand veteran eligibility - employ as teachers without licenses
- HB 497, Sponsor Hearing - Eliminate retention under the Third Grade Reading Guarantee
- HB 151, Sponsor Hearing - Ban transgender youth from sports teams & replace Ohio Teacher Residency program with local mentorship
- SB 178, Proponent & Interested Party Hearing - Reform function, responsibilities of state education offices
- SB 365, Proponent Hearing - Include free market capitalism content in educational standards

Thursday, December 1, 2022

9:00am - House Government Oversight Committee

- HB 294, Possible amendment / possible vote 4th hearing - Election Security & Modernization Act

1:00pm - House Session

SB 178 "to reform the functions and responsibilities of state education offices" Senate Primary and Secondary Education Committee

On Tuesday, Senator Bill Reineke (R-Tiffin) introduced a massive sub bill for SB 178 during the Senate Primary and Secondary Education Committee. The Senate Primary and Secondary Education Committee heard proponent testimony for SB 178, a bill "to reform the functions and responsibilities of state education offices." During the hearing, Senator Bill Reineke (R-Tiffin) introduced a massive sub bill with little explanation or context. A few school superintendents testified in favor of the bill. Senator Reineke introduced SB 178 in May 2021, but the bill did not move until November after voters elected three new members to the State Board of Education. SB 178 would rename the Department of Education as the Department of Education and Workforce (DEW) and shift oversight of public education from the State Board of Education to an appointed director from the governor's office. Highlights below.

- Creates a governor-appointed Director of Education and Workforce to oversee DEW
- Creates the Division of Primary and Secondary Education and the Division of Career Technical Education, each headed by a deputy director
- Transfers most of the powers and duties of the State Board of Education and the Superintendent of Public Instruction to the DEW director, including the adoption of education standards and model curricula and assessing student achievement and school district performance
- State Board of Education duties reduced to appointing the state superintendent, school territory transfer, decisions about licensure and staff conduct

Senate Vote On Ed Department Overhaul Expected Next Week

- Senate President Matt Huffman on Wednesday reiterated his intention to bring a proposal to revise the structure of the Department of Education to the chamber's floor for a vote this year.
- The Lima Republican said the majority caucus "would like to pass" a plan (SB 178) to create a Department of Education and Workforce headed by a gubernatorial appointee during the Senate's Dec. 7 session.
- Sen. Huffman's comments to reporters came shortly before the Senate Primary & Secondary Education Committee conducted a third hearing on the measure and the same day Gov. Mike DeWine told reporters he supported the bill.
- The plan would reassign many of the responsibilities of the State Board of Education Tracked and state superintendent of public instruction to staff at the new agency.

STATE BOARD OF EDUCATION

- **Anti-LGBTQ+ Resolution**
The State Board of Education will vote on Member Mike Toal's second resolution

endorsing discrimination and harassment against LGBTQ+ students at the next Board meeting on December 13.

State Board of Education Meeting

December 12 & 13, 2022, 8am -- Testimony & Vote on December 13

25 S Front St, Columbus

Senate Committee Hearings - Primary & Secondary Education

HB 151	Teacher Mentorship (Jones, D.) To reduce the duration of the Alternative Resident Educator License from four to two years, to revise the Ohio Teacher Residency Program as it exists beginning on April 12, 2023, to require one day of professional development leave each school year for classroom teachers to observe veteran teachers and to enact the "Save Women's Sports Act" to require schools, state institutions of higher education, and private colleges to designate separate single-sex teams and sports for each sex. CONTINUED (1st Hearing - Sponsor Testimony)
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"The Ohio Teacher Residency Program is just over 10 years old, and in HB151 we are making some much-needed improvements," he said. "Our young teachers should not feel burdened in their first few years of teaching. This program in some cases is seen not as a helpful tool, but an unnecessary burden." [Sen. Vernon Sykes](#) (D-Akron) questioned why the sponsor's testimony did not reference one much-discussed provision of the legislation. "I noticed you didn't mention anything about transgender athletes," he said. Rep. Jones said his testimony focused on the substance of the original bill, noting that an amendment blocking transgender girls from playing on women's sports teams was added to the measure on the House floor. The lawmaker said questions on that aspect of the bill should be addressed to [Rep. Jena Powell](#) (R-Laura), sponsor of the measure ([HB 61](#)) that inspired that change. He said an amendment might be in the works to address concerns related to that portion of the bill.

SB 178	Education (Reineke, B.) To reform the functions and responsibilities of the State Board of Education Tracked, the Superintendent of Public Instruction, and the Department of Education. CONTINUED (See separate story) (3rd Hearing - Proponent and Interested Party Testimony)
SB 356	Child Developmental Delays (Brenner, A.) Regards the education of children experiencing developmental delays and state operating funding for districts and schools educating them. CONTINUED (2nd Hearing - Proponent Testimony)

Ann Brennan of the Ohio School Psychologists Association urged support for the bill that she said would adjust Ohio's developmental delay age range provision to match federal law. She said Ohio current provides for an age range of three to five, while federal law uses a three to nine range.

SB 361	Teacher Regulations (Hoagland, F.) To expand eligibility for veterans of the U.S. Armed Forces to be employed as teachers without licenses. CONTINUED (1st Hearing - Sponsor Testimony)
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[Sen. Frank Hoagland](#) (R-Mingo Junction) said the measure allows school districts to hire qualified armed services veterans to work as teachers without licenses. He said military instructors are "second to none" and are responsible for making sure their students are prepared for life-or-death situations.

SB 365	Financial Literacy Curriculum (Wilson, S.) To incorporate free market capitalism content into the high school financial literacy and entrepreneurship standards and model curriculum. CONTINUED (No testimony) (2nd Hearing - Proponent Testimony)
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HB 497	Third Grade Reading Guarantee (Manning, G. , Robinson, P.) To eliminate retention under the Third Grade Reading Guarantee. CONTINUED (1st Hearing - Sponsor Testimony)
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[Rep. Gayle Manning](#) (R-N. Ridgeville) said in sponsor testimony the measure would eliminate the requirement that third-grade students be retained if they fail to hit a certain benchmark on the state's English language arts assessment. "As we know, every student in Ohio learns in a different way, and removing the high stakes nature of the third grade ELA will allow teachers more time to provide interventions to students regarding literacy," she said. Chair [Sen. Andy Brenner](#) (R-Delaware) questioned what else the state should do to aid young readers who are struggling with literacy if the legislature does away with the guarantee. Rep. Manning said the sponsors are open to changes to the bill that would provide additional support to students in fourth and fifth grade. Asked by Sen. Brenner if she would support an amendment requiring phonics to be taught throughout the state, Rep. Manning said she would be interested in reviewing such a change.

HB 554	Temporary Educator License (Lightbody, M. , Bird, A.) To require the State Board of Education Tracked to issue temporary educator licenses to applicants with expired professional teacher's certificates and professional educator licenses. CONTINUED (No testimony) (2nd Hearing - Proponent Testimony)
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Referred: [Primary & Secondary Education](#)

[HB 403](#) **Teacher Investigations** [Fowler Arthur, S. Miller, A.](#)

To require a school district superintendent or administrator of a public or chartered nonpublic school to file a report with the Department of Education regarding a teacher that retired under threat of disciplinary investigation.

[SB 368](#) **Education** [O'Brien, S.](#)

To enact the Parent Educational Freedom Act to expand eligibility for Educational Choice scholarships, to cease the operation of the Pilot Project Scholarship Program on July 1, 2023, and to increase the existing income tax credit for homeschooling expenses from \$250 to \$2000.

Bills to Watch and Committee Assignments

HB 322	Banning Divisive Concepts	House State & Local Government Committee
HB 327	Banning Divisive Concepts	House State & Local Government Committee
HB 454	Bans Gender Affirming Care for Minors	House Families, Aging, and Human Services Committee
HB 529	Requires Online Posting of School Curricula	House Primary & Secondary Education Committee
HB 616	Banning Divisive Concepts	House State & Local Government Committee
HB 619	Permit Three Mental Health Days Away from School Each School Year for Students	House Primary & Secondary Education Committee
HB 722	"Parents' Bill of Rights" requiring public schools adopt a prescribed policy on parental notification on student health and well-being and instructional materials with sexually explicit content	House State & Local Government Committee
HB 748	Requires schools adopt policy on staff professional duties and conduct	House Primary & Secondary Education Committee

SENATE BILLS

SB 178	Reform the functions and responsibilities of State Board of Education, State Superintendent, and Department of Education	Senate Primary & Secondary Education Committee
SB 214	AAPI History in K-12	Senate Primary & Secondary Education Committee
SB 361	Expand veteran eligibility - employ as teachers without licenses	Senate Primary & Secondary Education Committee
SB 365	Include free market capitalism content in educational standards	Senate Primary & Secondary Education Committee
HB 497	Eliminate retention provision in Third Grade Reading Guarantee	Senate Primary & Secondary Education Committee
HB 151	Bans transgender students from sports; replaces Ohio Teacher Residency program with local mentorship	Senate Primary & Secondary Education Committee