



Board Leadership Institute

OSBA Legislative Update

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OSBA leads the way to educational excellence by serving Ohio's public school board members and the diverse districts they represent through superior service, unwavering advocacy and creative solutions.

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Today's Agenda

- Redistricting and elections
- Overview of pending legislation/issues
- Legislative schedule and lame duck
- 135th General Assembly focus areas

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Redistricting and Elections

- Four sets of maps approved by the Ohio Redistricting Commission (ORC) were all invalidated by the Ohio Supreme Court
- Federal court panel on April 20 directed ORC to approve a new set of state legislative maps by May 28, or the panel will order the use of the ORC's third set of previously approved maps for use in the Aug. 2 primary;
- Ohio Supreme Court ordered new maps by May 6; ORC met on May 4 without action on a new set of maps
- May 3 primary election occurred without state legislative candidates on the ballot; candidates will likely appear on Aug. 2 ballot
- Nov. 8 general election will feature:
 - All statewide candidates, including governor's race between incumbent Republican Gov. Mike DeWine and Democratic challenger Nan Whaley
 - An open U.S. Senate race between Democratic Rep. Tim Ryan (D-Niles) and Republican JD Vance to replace retiring Republican Sen. Rob Portman
 - All 99 seats of the Ohio House of Representatives
 - 17 of the 33 seats of the Ohio Senate

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State Board of Education

- Search for Superintendent of Public Instruction
 - State Board of Education interviewed seven finalists at its April 11-12 meeting; finalist list further narrowed during April 28 special meeting
 - Finalists for second-round interviews include:
 - Stephen Dackin, former state board vice president
 - Larry Hook, superintendent, Springboro Community City
 - Thomas L. Hosler II, superintendent, Perrysburg EV
 - Second-round interviews will occur at May 9-10 board meeting; selection may occur on May 10
- Ohio Dyslexia Committee and the Dyslexia Guidebook
 - Guidebook was approved by the Teaching, Leading and Learning Committee at its April 28 meeting after multiple delays. The full board is expected to vote on the guidebook at its May meeting
 - Guidebook contains best practices, but Ohio law requires districts to comply with its contents
 - Pursuant to HB 436 (133), annual dyslexia screenings and certification process to begin in 2022-23 school year, and professional development requirements to begin in 2023-24 school year

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House Bill (HB) 126

Rep. Derek Merrin (R-Monclova Township)

- Signed by Gov. DeWine on April 21
- Establishes restrictions on school districts' ability to challenge property values
- Fiscal analysis by legislature's budget office:
 - “Will tend to result in lower taxable values and tax revenues”
 - “Higher effective tax rates”
 - “Decline in tax revenues from inside millage”
 - Tendency to “shift tax payment obligations to taxpayers other than those whose taxes could go up as a result of complaints by school districts and other non-owners”
- OSBA summary [here](#)

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HB 583

Reps. Adam C. Bird (R-New Richmond) and Don Jones (R-Freeport)

- Extends the current temporary flexibility for school districts to hire substitute teachers until June 30, 2024
 - Current flexibility set to expire at the end of the current school year
- Establishes a study committee to examine the substitute teacher shortage and report findings by Oct. 30, 2022
- Appropriates \$338 million in federal funds for fiscal year 2022 for the National School Lunch Program
 - This provision was included in HB 95, which was signed by DeWine in April
- Passed the House 80-10 on March 30; pending in the Senate Primary and Secondary Education Committee
- OSBA testimony accessible [here](#)

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HB 497

Reps. Gayle Manning (R-North Ridgeville) and Phillip M. Robinson Jr. (D-Solon)

- Eliminates the retention provision of the Third-Grade Reading Guarantee
 - Maintains intervention and remediation services for students who are reading below grade level
- Requires a one-time administration of the third-grade English language arts assessment, instead of twice annually
- Pending in House Primary and Secondary Education Committee
- OSBA testimony accessible [here](#)

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SB 306

Sen. Andrew O. Brenner (R-Powell)

- Establishes a voluntary program to provide tutoring and remedial education services to students in public and private schools
- Utilizes retired teachers, substitute teachers and other individuals qualified to provide tutoring services in core subject areas
- Administered by the Ohio Department of Education (ODE), with assistance from educational service centers (ESCs) and in consultation with the participating schools
- ESC of Central Ohio is the "coordinating service center," which will employ tutors, assist with program administration, create a training course for tutors and may coordinate the placement of tutors with other ESCs
- ODE must establish application procedures for tutors and standards for determining the eligibility of tutors who are not retired teachers
- ODE must review the effectiveness of the program at the end of the 2022-23, 2023-24, and 2024-25 school years and a report of the findings and certain program metrics to the General Assembly by August 31 of each school year
- ODE must reimburse tutors for registration costs, including background check and RAPBACK, which is supported by \$2.0 million appropriation in federal ARPA funds
- Bill is pending in the Senate Primary and Secondary Education Committee; received three hearings to date

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HB 606

Reps. Adam C. Bird (R-New Richmond) and Catherine D. Ingram (D-Cincinnati)

- Requires school districts to create an individualized seizure action plan for each student who has an active seizure disorder diagnosis
 - Plan must include specific components
 - Notification of the plan and its contents to specified school staff
 - Plan must be renewed annually
- Requires at least one employee – in addition to a nurse - at each school to receive a maximum of one hour training on implementing seizure action plans
 - This individual must receive the training every two years
- Administrators, guidance counselors, teachers and bus drivers must receive at least one hour of one-time training
- Contains qualified immunity protections
- Pending in the House Primary and Secondary Education Committee; received one hearing to date

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HB 616

Reps. Mike Loychik (R-Bazetta) and Jean Schmidt (R-Miami Township)

- Defines “divisive or inherently racist concept” to include
 - Critical race theory, intersectional theory, the 1619 Project, diversity, equity and inclusion (DEI) learning outcomes and inherited racial guilt
 - Any other concept defined by the State Board of Education (SBOE) as divisive or inherently racist
- Prohibits school districts from teaching, using, or providing to students any curriculum, instructional material or assignment designed to promote or endorse divisive or inherently racist concepts
- Prohibits districts from selecting any textbook, instructional material or academic curriculum that promotes any divisive or inherently racist concept
- Prohibits offering training or professional development to employees that promotes or endorses divisive or inherently racist concepts
- Prohibits SBOE from adopting standards, model curricula, professional development resources, classroom resources, or assessments promoting divisive or inherently racist concepts

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HB 616

Reps. Mike Loychik (R-Bazetta) and Jean Schmidt (R-Miami Township)

- Prohibits K-3 students from being provided any curriculum or instructional materials on sexual orientation or gender identity
- Prohibits 4-12 students from being provided any curriculum or instructional materials on sexual orientation or gender identity in any manner that is not age appropriate or developmentally appropriate in accordance with state standards
- Establishes a complaint system for any individual to allege a violation of the bill's restrictions with the State Board of Education
 - Prescribes a range of penalties, including withholding of funding, licensure revocation and “any other procedures” ODE determines are necessary to enforce the bill's prohibitions
- Bill is pending referral to a standing committee; has yet to receive a hearing

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HB 327

Reps. Diane V. Grendell (R-Chesterland) and Sarah Fowler Arthur (R-Geneva-on-the-Lake)

- Prohibits school districts and state agencies, among others, from teaching, advocating or promoting divisive concepts
- Requires districts to review diversity, equity and inclusion training programs to ensure the programs do not advocate or promote any prohibited concepts
- Requires boards of education to annually adopt a policy approving a list of balanced partisan and nonpartisan activities
- Requires the State Board of Education to amend the Licensure Code of Professional Conduct to classify the following as unbecoming conduct:
 - the promotion of one's personal political or ideological belief or position;
 - failure to fairly present both sides of a political or ideological belief or position;
 - unfairly evaluating a student's work because it does not reflect the teacher's political or ideological belief or position.
- Bill is pending in the House State and Local Government Committee; received five hearings to date

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HB 529

Reps. Brett Hudson Hillyer (R-Uhrichsville) and Bill Roemer (R-Richfield)

- Requires school districts, charter schools, STEM schools, private schools, and public colleges and universities that participate in the College Credit Plus program to upload student instructional items to their websites by July 1 each year
 - All textbooks; course syllabi that include a list of all instructional materials and activities to be used for student instruction in each instructional course; a written summary of each instructional course; the state academic content standards related to each course
- Updates must be uploaded within 30 business days after each use or revision
- All uploaded items must remain accessible on the website at least two years from the date posted
- What does Ohio require now?
- Pending in the House Primary and Secondary Education Committee; has yet to receive a first hearing

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HB 582

Rep. Mike Loychik (R-Bazetta)

- Reduces, from four years to two years, the duration of a term for school board members
- Establishes term limits for school board members, prohibiting an individual from serving more than four consecutive two-year terms
- Repeals the requirement that school board candidates appear on a nonpartisan ballot
- Provides for primary elections for school board elections
- Pending in the House Government Oversight Committee; has yet to receive a first hearing

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HB 290

Reps. Riordan McClain (R-Upper Sandusky) and Marilyn S. John (R-Richland County)

- Creates the Backpack Scholarship Program
- Provides eligibility to all students in Ohio
- Establishes an educational savings account for a participating student to use for private school tuition, tutoring, textbooks and other allowable uses
 - K-8 students receive \$5,500
 - 9-12 students receive \$7,500
- Repeals the EdChoice and Cleveland voucher programs
- Maintains the Autism and Jon Peterson Special Needs voucher programs
- Pending in the House Finance Committee; has received one hearing

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HB 99

Rep. Thomas Hall (R-Madison Township)

- Expressly states that the intent of the bill is to overrule the 2021 decision of the Ohio Supreme Court in *Gabbard v. Madison Local School Dist. Bd. Of Edn.*
- Requires school boards to provide public notification if they have authorized one or more persons to go armed within a school
- Establishes requirements for a person authorized to go armed within a school safety zone
- Specifies various training requirements
- Allows schools to prescribe additional training requirements
- Passed the Ohio House by a vote of 59-33 on Nov. 17, 2021; pending in Senate Veterans and Public Safety Committee

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SB 168

Sen. Frank Hoagland (R-Mingo Junction)

- Establishes the Ohio Mobile Training Team Program that provides basic firearms training programs to school safety designees
- Creates a school safety designee position who is an individual authorized to carry a firearm in a school safety zone
- Requires an individual who is not a school resource officer to complete an initial basic firearms training program for school safety designees and must have a concealed handgun license
- Requires quarterly training for continued certification
- Makes several changes to the development and operation of school emergency management plans
- Passed Senate 23-8 on Feb. 9; awaits first hearing in House Criminal Justice Committee

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SB 23

Sen. Theresa Gavarone (R-Bowling Green)

- Allows cameras to be installed on school buses and allows images or recordings from those cameras to be used under a new civil penalty system in which fines would be imposed for illegally passing a school bus
- Creates the School Bus Safety and Education Fund, which would receive a portion of each civil penalty issued and use those funds to enhance school bus safety and raise public awareness of the laws governing school bus safety
- Designates August as “School Bus Safety Awareness Month”
- OSBA provided proponent testimony, accessible [here](#)
- Pending in the Senate Veterans and Public Safety Committee; received three hearings to date

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HB 298

Reps. Adam C. Bird (R-New Richmond) and Joseph A. Miller III (D-Amherst)

- Revises the composition of the 19-member State Board of Education
- Eliminates four of the eight gubernatorially appointed seats filled via executive appointment and replaces the other four seats with elected members
- Establishes a transition plan to be implemented in the 2024 and 2026 elections
- Pending in the House Government Oversight Committee; received three hearings to date
- OSBA provided proponent testimony, accessible [here](#)

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SB 178

Sen. Bill Reineke (R-Tiffin)

- “It is the intent of the General Assembly, to enact legislation to reform the functions and responsibilities of the State Board of Education, the Superintendent of Public Instruction, and the Department of Education.”
- Appears to be placeholder language for a forthcoming effort to reintroduce [HB 512](#) from 2018
 - Would have restructured the State Board of Education (SBOE), Department of Education (ODE), Department of Higher Education (ODHE) and Office of Workforce Transformation (OWT)
 - Would have transferred much of the powers and duties of those entities to new cabinet-level position of newly created mega-agency entitled “Department of Learning and Achievement”
- Awaits a first hearing in the Senate Primary and Secondary Education Committee

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Transportation Compliance Monitoring System

- HB 110, the biennial budget bill, created a new tool for the Ohio Department of Education (ODE) to monitor school district compliance with certain transportation laws
 - Features a formal complaint process to report instances of alleged non-compliance with transportation requirements
 - “Consistent” or “prolonged” noncompliance results in the total daily amount of transportation funding to be withheld for each day of noncompliance
 - Temporary restraining order [granted](#) in March preventing ODE from withholding funds from Columbus City for noncompliance
- [ODE Jan 7 webinar](#)
- [ODE explainer](#)

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Legislative Schedule

- Remaining session dates for both chambers
 - May 18, May 25, June 1, Nov. 16, Nov. 30, Dec. 14, Dec. 21
 - Interspersed with if-needed session dates around the weeks of the above dates
 - Committee hearings will be scheduled during and around these dates
- House and Senate schedule accessible [here](#)
- Lame Duck
 - What to expect? How to plan?

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135th General Assembly Focus Areas

- Biennial budget bill
 - Fair School Funding Plan
 - Backpack Bill
- Addressing teacher and bus driver shortages
- Parental rights legislation, curriculum restrictions and transparency

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