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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**H.B. 336**  
**133<sup>rd</sup> General Assembly**

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Sobecki and Robinson

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### SUMMARY

- Re-establishes the Joint Education Oversight Committee.
- Requires the Committee to authorize a plan of work, which must include research, review, study, and analysis of current or emerging education policy issues important to the state.
- Requires the Committee to select, for review and evaluation, education programs at school districts, other public schools, and state institutions of higher education that receive state financial assistance in any form.
- Requires the Superintendent of Public Instruction or the Chancellor of Higher Education to appear before the Committee upon request of the chairperson.
- Permits the chairperson of the Committee to request any state agency or political subdivision to provide the Committee with data, statistics, and other information determined to be useful to the Committee.
- Permits the chairperson of the Committee to issue subpoenas.
- Makes an appropriation.
- Declares an emergency.

### DETAILED ANALYSIS

#### Joint Education Oversight Committee

The bill re-establishes the Joint Education Oversight Committee, a joint committee of the General Assembly abolished by H.B. 166 of the 133<sup>rd</sup> General Assembly (the main operating budget for the 2019-2021 biennium). The bill requires the Committee to authorize a plan of work, which must include research, review, study, and analysis of current or emerging education policy issues important to the state. The Committee also may select, for review and

evaluation, education programs at school districts, other public schools, and state institutions of higher education that receive state financial assistance in any form. (“Other public schools” includes the State School for the Deaf, the State School for the Blind, community schools, STEM schools, and college-preparatory boarding schools.<sup>1</sup>) The reviews and evaluations may include any of the following:

1. Assessment of the uses school districts, other public schools, and state institutions of higher education make of state money they receive, and a determination of the extent to which that money improves district, school, or institutional performance in the areas for which the money was intended to be used;
2. Determination of whether an education program meets its intended goals, has adequate operating or administrative procedures and fiscal controls, encompasses only authorized activities, has any undesirable or unintended effects, and is efficiently managed;
3. Examination of pilot programs developed and initiated in school districts, at other public schools, and at state institutions of higher education to determine whether the programs suggest innovative, effective ways to deal with problems that may exist in other districts, schools, or institutions of higher education, and to assess the fiscal costs and likely impact of adopting the programs throughout the state.<sup>2</sup>

The bill permits the Committee to prepare a report of the results of each review and evaluation it conducts, and to make recommendations and transmit the report to the General Assembly. The Committee also may submit the report and its recommendations to the chairpersons and members of the standing committees of the House of Representatives and the Senate responsible for education policy.<sup>3</sup>

If the General Assembly directs the Committee to submit a study to the General Assembly by a particular date, the bill authorizes the Committee, upon a majority vote of its members, to modify the scope and due date of the study to accommodate the availability of data and resources.<sup>4</sup>

## **Review of bills and resolutions**

The bill also authorizes the Committee to review bills and resolutions regarding education that are introduced or offered in the General Assembly, and authorizes the Committee to prepare a report of its review. The Committee must transmit its report to the General Assembly. The report may include the Committee’s determination regarding the bill’s or resolution’s desirability as a matter of public policy. The Committee’s decision on whether

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<sup>1</sup> R.C. 103.44.

<sup>2</sup> R.C. 103.45(A) and (B).

<sup>3</sup> R.C. 103.45(C).

<sup>4</sup> R.C. 103.45(D).

and when to review a bill or resolution has no effect on the General Assembly's authority to act on the bill or resolution.<sup>5</sup>

## **Employees**

The bill authorizes the Committee to employ professional, technical, and clerical employees as are necessary for the Committee to be able successfully and efficiently to perform its duties, subject to approval by the Speaker of the House of Representatives, or the Speaker's designee, and the President of the Senate, or the President's designee. All employees are in the unclassified service and serve at the Committee's pleasure. Also, the Committee is authorized to contract for the services of persons who are qualified by education and experience to advise, consult with, or otherwise assist the Committee in the performance of its duties.<sup>6</sup>

## **Powers of committee and its employees**

The chairperson of the Committee may request the Superintendent of Public Instruction or the Chancellor of Higher Education to appear before the Committee, and if so requested, the Superintendent or Chancellor must appear before the Committee at the time and place specified in the request.<sup>7</sup>

The bill authorizes the chairperson of the Committee to request any state agency or political subdivision to provide any data, statistics, or other information determined to be useful to the work of the Committee. In response, state agencies must provide the requested information to the extent permitted under the federal "Family Educational Rights and Privacy Act of 1974" (FERPA) and state law.<sup>8</sup>

Additionally, the bill requires the state Superintendent to provide the Committee with data and information, "within a reasonable time period," upon a joint written request from the chairperson and vice-chairperson of the Committee. The state Superintendent may request clarification regarding the request. The Committee must cooperate with the state Superintendent to determine the scope of the data and information requested to facilitate a timely response, taking into account the Committee's need and urgency for the information, the state Superintendent's ease of accessing the information, the quantity of information requested, and any other practical considerations. If the state Superintendent and the Committee cannot resolve their differences regarding requested information within 30 days, the chairperson and vice-chairperson jointly may insist, in writing, on receiving the data and information from the state Superintendent, who then must promptly make the information available. However, the state Superintendent may be granted a 30-day extension if the request is for a large data set. At no time may the period for resolving an information request by the

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<sup>5</sup> R.C. 103.46.

<sup>6</sup> R.C. 103.47.

<sup>7</sup> R.C. 103.48

<sup>8</sup> 88 Stat. 571, 20 U.S.C. 1232g and R.C. 3319.321, not in the bill; R.C. 103.49(A).

chairperson and vice-chairperson from the state Superintendent exceed 90 days following the receipt of the request.<sup>9</sup>

The chairperson, when authorized by the Committee and the President and Speaker, may issue subpoenas in aid of the Committee's performance of its duties. The chairperson may administer oaths to witnesses appearing before the Committee.<sup>10</sup>

### **Committee membership**

The Committee is to consist of five members of the House of Representatives appointed by the Speaker, three of whom are members of the majority party and two of whom are members of the minority party, and five members of the Senate appointed by the President of the Senate, three of whom are members of the majority party and two of whom are members of the minority party.

The term of each member begins on the day of appointment to the Committee and ends on expiration or other termination of the member's term as a member of the House or Senate. The Speaker and President must make subsequent appointments not later than 15 days after commencement of the first regular session of each General Assembly. Members may be reappointed. A vacancy on the Committee is to be filled in the same manner as the original appointment.

In odd-numbered years, the Speaker is required to designate one of the majority members from the House as chairperson and the Senate President is required to designate one of the minority members from the Senate as the ranking minority member. In even-numbered years, the Senate President is required to designate one of the majority members from the Senate as the chairperson and the Speaker is required to designate one of the minority members from the House as the ranking minority member. The bill requires the President and Speaker to consult with the minority leader of their respective houses in appointing members from the minority, and in designating ranking minority members.

The Committee must meet at the call of the chairperson, but not less often than once each calendar month, unless the chairperson and ranking minority member agree that the chairperson should not call the Committee to meet for a particular month.

Members of the Committee, when engaged in their duties as members of the Committee on days when there is not a voting session of the member's house of the General Assembly, are entitled to be paid at the per diem rate of \$150 and their necessary traveling expenses. These amounts are to be paid from the funds appropriated for the payment of expenses of legislative committees.<sup>11</sup>

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<sup>9</sup> R.C. 103.49(B).

<sup>10</sup> R.C. 103.50(B).

<sup>11</sup> R.C. 103.50(A) and (B).

## Appropriation

The bill amends Section 311.10 of H.B. 166 of the 133<sup>rd</sup> General Assembly to increase GRF appropriation item 047321, Operating Expenses, by \$276,663 for FY 2020 (from \$100,000 to \$376,663) and to appropriate \$378,668 for that item for FY 2021 to support expenses related to the Committee. The bill also permits any of the item's unused appropriation at the end of FY 2019 and FY 2020 to be reappropriated to FY 2020 and FY 2021, respectively.<sup>12</sup>

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## HISTORY

Action	Date
Introduced	09-17-19

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H0336-I-133/ks

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<sup>12</sup> Section 2 of the bill which amends Section 311.10 of H.B. 166 of the 133<sup>rd</sup> General Assembly.