As Introduced

133rd General Assembly
Regular Session H. B. No. 336
2019-2020

Representatives Sobecki, Robinson
Cosponsors: Representatives Crossman, Galonski, Kelly, Miller, A., Miranda, Strahorn, Brent, Upchurch, Patterson, Russo, Miller, J., Crawley, Blair, Blessing, Lepore-Hagan, Jones, Cupp, Skindell, Sweeney, Hicks-Hudson, Riedel, Cera, Smith, K., Lightbody, West, Denson, Sykes, Boggs, Weinstein, Brown, Howse, Hoops, Sheehy, Boyd, Ingram, Clites, Romanchuk, Carfagna, Smith, R., Leland, Rogers, O'Brien, Liston

A BILL

To enact sections 103.44, 103.45, 103.46, 103.47, 103.48, 103.49, and 103.50 of the Revised Code and to amend Section 311.10 of Am. Sub. H.B. 166 of the 133rd General Assembly and to repeal Section 733.40 of Am. Sub. H.B. 166 of the 133rd General Assembly to reinstate the Joint Education Oversight Committee, make an appropriation, and declare an emergency.

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

Section 1. That sections 103.44, 103.45, 103.46, 103.47, 103.48, 103.49, and 103.50 of the Revised Code be enacted to read as follows:

Sec. 103.44. As used in sections 103.45 to 103.50 of the Revised Code:

(A) "Other public schools" includes the state school for
the deaf, the state school for the blind, community schools established under Chapter 3314. of the Revised Code, STEM schools established under Chapter 3326. of the Revised Code, and college-preparatory boarding schools established under Chapter 3328. of the Revised Code.

(B) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

Sec. 103.45. (A) The joint education oversight committee of the house of representatives and senate is hereby created. The committee shall authorize a plan of work, which shall include research, review, study, and analysis of current or emerging education policy issues important to the state, the available policy options to address such issues, and the available data and research to support such analysis and options.

(B) 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. 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 student, 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; and

(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, or to create opportunities for success, and to assess the fiscal costs and likely impact of adopting the programs throughout the state.

(C) The committee may prepare a report of the results of each review and evaluation it conducts, make recommendations to the general assembly and transmit the report and its recommendations to the general assembly under section 101.68 of the Revised Code. It 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 principally responsible for education policy.

(D) If the general assembly directs the joint education oversight committee to submit a study to the general assembly by a particular date, the committee, upon a majority vote of its members, may modify the scope and due date of the study to accommodate the availability of data and resources.

Sec. 103.46. The joint education oversight committee may review bills and resolutions regarding education that are introduced or offered in the general assembly, and may prepare a report of its review. The committee shall transmit its report to the general assembly under section 101.68 of the Revised Code. The report may include the committee's determination regarding the bill's or resolution's desirability as a matter of public
The committee's decision on whether and when to review a bill or resolution has no effect on the general assembly's authority to act on the bill or resolution.

Sec. 103.47. The joint education oversight committee chairperson may, 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, employ professional, technical, and clerical employees as are necessary for the joint education oversight committee to be able successfully and efficiently to perform its duties. All the employees are in the unclassified service and may be terminated by the chairperson, subject to approval of the speaker or the speaker's designee and president or the president’s designee. The committee may 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.

Sec. 103.48. The chairperson of the joint education oversight committee may request that the superintendent of public instruction or the chancellor of higher education appear before the committee. If so requested, the superintendent or the chancellor shall appear before the committee at the time and place specified in the request.

Sec. 103.49. (A) The chairperson of the joint education oversight committee may request any state agency or political subdivision to provide to the committee such data, statistics, and other information that is determined to be useful to the work of the committee pursuant to the committee's statutory purposes. Subject to division (B) of this section, and to the extent permitted under section 3319.321 of the Revised Code and
the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, any state agency or political subdivision shall provide the committee with the information requested.

(B)(1) Upon the joint written request of the chairperson and vice-chairperson of the committee, the superintendent of public instruction shall, within a reasonable time period, provide the committee with data and information that is in the superintendent's possession or is readily accessible to the superintendent.

(2) Upon receiving a written request from the chairperson and vice-chairperson of the committee, the state superintendent may request clarification from the committee regarding the request in order to facilitate a timely response. The committee shall cooperate with the state superintendent to determine the scope of the data and information requested, taking into account the committee's need and urgency for the information, the superintendent's ease or difficulty of accessing the data and information, the quantity of the information requested, and any other practical considerations that apply.

(3) Except as provided in division (B)(4) of this section, if the state superintendent and the chairperson and vice-chairperson are unable to resolve their differences regarding a written request within thirty days of the state superintendent's receipt of the request from the chairperson and vice-chairperson, the chairperson and vice-chairperson may jointly insist in writing on receiving the data and information from the state superintendent, and the superintendent, upon receiving that written request, shall promptly make that information available to the chairperson and vice-chairperson.
(4) If the state superintendent requests clarification from the committee under division (B)(2) of this section regarding a written request for a large data set, as determined by the state superintendent, the state superintendent may inform the chairperson and vice-chairperson of the state superintendent's determination that the request is for a large data set and request that the period of time in which the state superintendent and the chairperson and vice-chairperson must resolve their differences regarding the request under division (B)(3) of this section be extended beyond thirty days of the state superintendent's receipt of the request. At no time, however, shall the time period in which the state superintendent and the chairperson and vice-chairperson must resolve their differences regarding the request under division (B)(3) of this section be longer than ninety days following the state superintendent's receipt of the request.

Sec. 103.50. The joint education oversight committee shall consist of the following members:

(A) Five members of the house of representatives appointed by the speaker of the house of representatives, three of whom are members of the majority party and two of whom are members of the minority party; and

(B) 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 of representatives or senate. The speaker and president shall make subsequent appointments not later than fifteen days after the commencement
of the first regular session of each general assembly. Members may be reappointed. A vacancy on the committee shall be filled in the same manner as the original appointment.

In odd-numbered years, the speaker shall designate one of the majority members from the house of representatives as chairperson and the president shall designate one member from the senate, who is not from the same political party as the chairperson, as the ranking member. In even-numbered years, the president shall designate one of the majority members from the senate as the chairperson and the speaker shall designate one member from the house of representatives, who is not from the same political party as the chairperson, as the ranking member.

In appointing members from the minority, and in designating ranking members who are from the minority, the president and speaker shall consult with the minority leader of their respective houses.

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

Notwithstanding section 101.26 of the Revised Code, the members, 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, shall be paid at the per diem rate of one hundred fifty dollars, and their necessary traveling expenses. These amounts shall be paid from the funds appropriated for the payment of expenses of legislative committees.
The chairperson, when authorized by the committee and the president and speaker, may issue subpoenas and subpoenas duces tecum in aid of the committee's performance of its duties. A subpoena may require a witness in any part of the state to appear before the committee at a time and place designated in the subpoena to testify. A subpoena duces tecum may require witnesses or other persons in any part of the state to produce books, papers, records, and other tangible evidence before the committee at a time and place designated in the subpoena duces tecum. A subpoena or subpoena duces tecum shall be issued, served, and returned, and has consequences, as specified in sections 101.41 to 101.45 of the Revised Code.

The chairperson may administer oaths to witnesses appearing before the committee.

Section 2. That Section 311.10 of Am. Sub. H.B. 166 of the 133rd General Assembly be amended to read as follows:

Sec. 311.10.

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E  TOTAL ALL BUDGET FUND GROUPS  $ 400,000  $ 0

OPERATING EXPENSES

The foregoing appropriation item 047321, Operating Expenses, shall be used to support expenses related to the Joint Education Oversight Committee under sections 103.45 to 103.50 of the Revised Code, as it existed prior to the effective date of this act.

On the effective date of the amendment of this section by ....B.... of the 133rd General Assembly, or as soon as possible thereafter, the Joint Education Oversight Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 047321, Operating Expenses, at the end of fiscal year 2019 to be reappropriated to fiscal year 2020. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2020.

On July 1, 2020, or as soon as possible thereafter, the Joint Education Oversight Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 047321, Operating Expenses, at the end of fiscal year 2020 to be reappropriated to fiscal year 2021. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2021.

Section 3. That existing Section 311.10 of Am. Sub. H.B. 166 of the 133rd General Assembly is hereby repealed.
Section 4. That Section 733.40 of Am. Sub. H.B. 166 of the 133rd General Assembly is hereby repealed.

Section 5. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is that the Joint Education Oversight Committee works to enhance Ohio students' educational experiences through policy research and evaluation. Therefore, this act shall go into immediate effect.