

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 49

Representatives Sobecki, Robinson

Cosponsors: Representatives West, Miller, A., Miranda, Russo, Miller, J., Brent, Galonski, Sheehy, Weinstein, Troy, Sweeney, Brown, Crawley, Boggs, Smith, M., Skindell, Crossman, Lightbody, Denson, Lepore-Hagan

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 repeal Section 733.40 of 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. 17

(B) "State institution of higher education" has the same 18
meaning as in section 3345.011 of the Revised Code. 19

Sec. 103.45. (A) The joint education oversight committee 20
of the house of representatives and senate is hereby created. 21
The committee shall authorize a plan of work, which shall 22
include research, review, study, and analysis of current or 23
emerging education policy issues important to the state, the 24
available policy options to address such issues, and the 25
available data and research to support such analysis and 26
options. 27

(B) The committee also may select, for review and 28
evaluation, education programs at school districts, other public 29
schools, and state institutions of higher education that receive 30
state financial assistance in any form. The reviews and 31
evaluations may include any of the following: 32

(1) Assessment of the uses school districts, other public 33
schools, and state institutions of higher education make of 34
state money they receive, and a determination of the extent to 35
which that money improves student, district, school, or 36
institutional performance in the areas for which the money was 37
intended to be used; 38

(2) Determination of whether an education program meets 39
its intended goals, has adequate operating or administrative 40
procedures and fiscal controls, encompasses only authorized 41
activities, has any undesirable or unintended effects, and is 42
efficiently managed; and 43

(3) Examination of pilot programs developed and initiated 44
in school districts, at other public schools, and at state 45

institutions of higher education to determine whether the 46
programs suggest innovative, effective ways to deal with 47
problems that may exist in other districts, schools, or 48
institutions of higher education, or to create opportunities for 49
success, and to assess the fiscal costs and likely impact of 50
adopting the programs throughout the state. 51

(C) The committee may prepare a report of the results of 52
each review and evaluation it conducts, make recommendations to 53
the general assembly and transmit the report and its 54
recommendations to the general assembly under section 101.68 of 55
the Revised Code. It also may submit the report and its 56
recommendations to the chairpersons and members of the standing 57
committees of the house of representatives and the senate 58
principally responsible for education policy. 59

(D) If the general assembly directs the joint education 60
oversight committee to submit a study to the general assembly by 61
a particular date, the committee, upon a majority vote of its 62
members, may modify the scope and due date of the study to 63
accommodate the availability of data and resources. 64

Sec. 103.46. The joint education oversight committee may 65
review bills and resolutions regarding education that are 66
introduced or offered in the general assembly, and may prepare a 67
report of its review. The committee shall transmit its report to 68
the general assembly under section 101.68 of the Revised Code. 69
The report may include the committee's determination regarding 70
the bill's or resolution's desirability as a matter of public 71
policy. 72

The committee's decision on whether and when to review a 73
bill or resolution has no effect on the general assembly's 74
authority to act on the bill or resolution. 75

Sec. 103.47. The joint education oversight committee 76
chairperson may, subject to approval by the speaker of the house 77
of representatives or the speaker's designee and the president 78
of the senate or the president's designee, employ professional, 79
technical, and clerical employees as are necessary for the joint 80
education oversight committee to be able successfully and 81
efficiently to perform its duties. All the employees are in the 82
unclassified service and may be terminated by the chairperson, 83
subject to approval of the speaker or the speaker's designee and 84
president or the president's designee. The committee may 85
contract for the services of persons who are qualified by 86
education and experience to advise, consult with, or otherwise 87
assist the committee in the performance of its duties. 88

Sec. 103.48. The chairperson of the joint education 89
oversight committee may request that the superintendent of 90
public instruction or the chancellor of higher education appear 91
before the committee. If so requested, the superintendent or the 92
chancellor shall appear before the committee at the time and 93
place specified in the request. 94

Sec. 103.49. (A) The chairperson of the joint education 95
oversight committee may request any state agency or political 96
subdivision to provide to the committee such data, statistics, 97
and other information that is determined to be useful to the 98
work of the committee pursuant to the committee's statutory 99
purposes. Subject to division (B) of this section, and to the 100
extent permitted under section 3319.321 of the Revised Code and 101
the "Family Educational Rights and Privacy Act of 1974," 88 102
Stat. 571, 20 U.S.C. 1232g, as amended, any state agency or 103
political subdivision shall provide the committee with the 104
information requested. 105

(B) (1) Upon the joint written request of the chairperson 106
and vice-chairperson of the committee, the superintendent of 107
public instruction shall, within a reasonable time period, 108
provide the committee with data and information that is in the 109
superintendent's possession or is readily accessible to the 110
superintendent. 111

(2) Upon receiving a written request from the chairperson 112
and vice-chairperson of the committee, the state superintendent 113
may request clarification from the committee regarding the 114
request in order to facilitate a timely response. The committee 115
shall cooperate with the state superintendent to determine the 116
scope of the data and information requested, taking into account 117
the committee's need and urgency for the information, the 118
superintendent's ease or difficulty of accessing the data and 119
information, the quantity of the information requested, and any 120
other practical considerations that apply. 121

(3) Except as provided in division (B) (4) of this section, 122
if the state superintendent and the chairperson and vice- 123
chairperson are unable to resolve their differences regarding a 124
written request within thirty days of the state superintendent's 125
receipt of the request from the chairperson and vice- 126
chairperson, the chairperson and vice-chairperson may jointly 127
insist in writing on receiving the data and information from the 128
state superintendent, and the superintendent, upon receiving 129
that written request, shall promptly make that information 130
available to the chairperson and vice-chairperson. 131

(4) If the state superintendent requests clarification 132
from the committee under division (B) (2) of this section 133
regarding a written request for a large data set, as determined 134
by the state superintendent, the state superintendent may inform 135

the chairperson and vice-chairperson of the state 136
superintendent's determination that the request is for a large 137
data set and request that the period of time in which the state 138
superintendent and the chairperson and vice-chairperson must 139
resolve their differences regarding the request under division 140
(B) (3) of this section be extended beyond thirty days of the 141
state superintendent's receipt of the request. At no time, 142
however, shall the time period in which the state superintendent 143
and the chairperson and vice-chairperson must resolve their 144
differences regarding the request under division (B) (3) of this 145
section be longer than ninety days following the state 146
superintendent's receipt of the request. 147

Sec. 103.50. The joint education oversight committee shall 148
consist of the following members: 149

(A) Five members of the house of representatives appointed 150
by the speaker of the house of representatives, three of whom 151
are members of the majority party and two of whom are members of 152
the minority party; and 153

(B) Five members of the senate appointed by the president 154
of the senate, three of whom are members of the majority party 155
and two of whom are members of the minority party. 156

The term of each member begins on the day of appointment 157
to the committee and ends on expiration or other termination of 158
the member's term as a member of the house of representatives or 159
senate. The speaker and president shall make subsequent 160
appointments not later than fifteen days after the commencement 161
of the first regular session of each general assembly. Members 162
may be reappointed. A vacancy on the committee shall be filled 163
in the same manner as the original appointment. 164

In odd-numbered years, the speaker shall designate one of 165
the majority members from the house of representatives as 166
chairperson and the president shall designate one member from 167
the senate, who is not from the same political party as the 168
chairperson, as the ranking member. In even-numbered years, the 169
president shall designate one of the majority members from the 170
senate as the chairperson and the speaker shall designate one 171
member from the house of representatives, who is not from the 172
same political party as the chairperson, as the ranking member. 173

In appointing members from the minority, and in 174
designating ranking members who are from the minority, the 175
president and speaker shall consult with the minority leader of 176
their respective houses. 177

The committee shall meet at the call of the chairperson. 178
The committee shall meet not less often than once each calendar 179
month, unless the chairperson and ranking member agree that the 180
chairperson should not call the committee to meet for a 181
particular month. 182

Notwithstanding section 101.26 of the Revised Code, the 183
members, when engaged in their duties as members of the 184
committee on days when there is not a voting session of the 185
member's house of the general assembly, shall be paid at the per 186
diem rate of one hundred fifty dollars, and their necessary 187
traveling expenses. These amounts shall be paid from the funds 188
appropriated for the payment of expenses of legislative 189
committees. 190

The chairperson, when authorized by the committee and the 191
president and speaker, may issue subpoenas and subpoenas duces 192
tecum in aid of the committee's performance of its duties. A 193
subpoena may require a witness in any part of the state to 194

appear before the committee at a time and place designated in 195
the subpoena to testify. A subpoena duces tecum may require 196
witnesses or other persons in any part of the state to produce 197
books, papers, records, and other tangible evidence before the 198
committee at a time and place designated in the subpoena duces 199
tecum. A subpoena or subpoena duces tecum shall be issued, 200
served, and returned, and has consequences, as specified in 201
sections 101.41 to 101.45 of the Revised Code. 202

The chairperson may administer oaths to witnesses 203
appearing before the committee. 204

Section 2. All items in this section are hereby 205
appropriated as designated out of any moneys in the state 206
treasury to the credit of the designated fund. For all 207
appropriations made in this act, those in the first column are 208
for fiscal year 2022 and those in the second column are for 209
fiscal year 2023. The appropriations made in this act are in 210
addition to any other appropriations made for the FY 2022-FY 211
2023 biennium. 212

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	1	2	3	4	5
A	JEO JOINT EDUCATION OVERSIGHT COMMITTEE				
B	General Revenue Fund				
C	GRF	047321	Operating Expenses	\$376,663	\$378,668
D	TOTAL GRF General Revenue Fund			\$376,663	\$378,668
E	TOTAL ALL BUDGET FUND GROUPS			\$376,663	\$378,668

OPERATING EXPENSES	214
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.	215 216 217 218
On July 1, 2022, 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 2022 to be reappropriated to fiscal year 2023. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.	219 220 221 222 223 224 225 226
Section 3. Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the form and manner in which appropriation accounts shall be maintained. Expenditures from appropriations contained in this act shall be accounted for as though made in the main operating appropriations act of the 134th General Assembly.	227 228 229 230 231 232 233 234
The appropriations made in this act are subject to all provisions of the main operating appropriations act of the 134th General Assembly that are generally applicable to such appropriations.	235 236 237 238
Section 4. That Section 733.40 of Am. Sub. H.B. 166 of the 133rd General Assembly is hereby repealed.	239 240
Section 5. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public	241 242

peace, health, and safety. The reason for such necessity is that 243
the Joint Education Oversight Committee works to enhance Ohio 244
students' educational experiences through policy research and 245
evaluation. Therefore, this act shall go into immediate effect. 246