

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**H. C. R. No. 35**

**Representative Callender**

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**A CONCURRENT RESOLUTION**

To invalidate the proposed amendments to rule 3301-35-04 1  
of the Administrative Code, the latest version of 2  
which was filed by the Department of Education with 3  
the Joint Committee on Agency Rule Review on August 4  
20, 2021. 5

**BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
OHIO (THE SENATE CONCURRING):**

WHEREAS, The General Assembly may adopt a concurrent 6  
resolution invalidating a proposed rule, amendment, rescission, 7  
or part thereof under section 106.021 of the Revised Code; and 8

WHEREAS, The Department of Education, for purposes of 9  
legislative review under section 106.021 of the Revised Code, 10  
filed with the Joint Committee on Agency Rule Review on August 11  
20, 2021, the latest version of proposed amendments to rule 12  
3301-35-04 of the Administrative Code, which relates to 13  
curriculum and instructional programs in schools; and 14

WHEREAS, The proposed amendments to rule 3301-35-04 of the 15  
Administrative Code conflict with the legislative intent of the 16  
statute under which it was proposed; and 17

WHEREAS, The proposed amendments to rule 3301-35-04 of the 18  
Administrative Code conflict with another rule; and 19

WHEREAS, The Department of Education has failed to prepare 20

a complete and accurate rule summary and fiscal analysis of the 21  
proposed amendments to rule 3301-35-04 of the Administrative 22  
Code as required; and 23

WHEREAS, The Department of Education has failed to 24  
demonstrate through the business impact analysis, 25  
recommendations from the Common Sense Initiative Office, and the 26  
memorandum of response that the regulatory intent of the 27  
proposed amendments to rule 3301-35-04 of the Administrative 28  
Code justify their adverse impact on businesses in this state; 29  
now therefore be it 30

RESOLVED, That the proposed amendments to rule 3301-35-04 31  
of the Administrative Code, are hereby invalidated; and be it 32  
further 33

RESOLVED, That within five days after the adoption of this 34  
resolution, the Clerk of the House of Representatives shall send 35  
a certified copy to the Department of Education, the Secretary 36  
of State, and the Director of the Legislative Service 37  
Commission, together with a certification stating the date on 38  
which this resolution was adopted. 39