

H. B. No. 12
As Introduced

_____ moved to amend as follows:

In line 167 of the title, after "3301.132" insert ", 3301.137,
3301.138" 1
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In line 299, after "3301.132" insert ", 3301.137, 3301.138" 3

After line 11645, insert: 4

"Sec. 3301.137. (A) The director of education and 5
workforce, or the director's designee, shall convene a public 6
meeting at least once every other month. Employees of the 7
department of education and workforce shall conduct a 8
presentation at each meeting that addresses any new information 9
the department has about any of its significant new or existing 10
initiatives, policies, or guidelines; any change to state or 11
federal law that affects the department or education 12
stakeholders, as determined by the director, in this state; and 13
any rule the director intends to adopt, amend, or rescind in 14
accordance with Chapter 119. and section 3301.138 of the Revised 15
Code. 16

Nothing in division (A) of this section precludes the 17



director or the department from using other methods to engage 18
with stakeholders. 19

(B) At the conclusion of a presentation under this 20
section, the director, or the director's designee, shall provide 21
an opportunity for public discussion on the information provided 22
in the presentation. The director, or the director's designee, 23
may accept public discussion about other topics as the director, 24
or the director's designee, determines appropriate. 25

(C) The department shall make available via the internet 26
an audio recording of each public meeting under this section. 27
The director shall make the audio recording available not later 28
than five business days after the conclusion of a meeting. 29

(D) Notwithstanding any provision of the Revised Code to 30
the contrary, any nonemergency rule adopted after the effective 31
date of this section is void unless the rule is included in a 32
presentation conducted in a public meeting under this section 33
prior to initiating rulemaking in accordance with Chapter 119. 34
of the Revised Code. 35

Sec. 3301.138. (A) As used in this section, "five-year 36
review" means a review of a rule in accordance with sections 37
106.03 and 119.04 of the Revised Code. 38

(B) The department of education and workforce shall 39
establish a stakeholder outreach process for use when engaging 40
in rulemaking in accordance with Chapter 119. of the Revised 41
Code. Under the process, the department shall establish a method 42
under which stakeholders may elect to participate. The process 43
also shall require the department to do all of the following: 44

(1) Before initiating the process to conduct a five-year 45
review or to adopt a new rule or amend or rescind an existing 46

rule, do all of the following: 47

(a) Notify stakeholders about the department's intent to 48
initiate rulemaking. The department shall include in the notice 49
an explanation of the department's rationale for initiating 50
rulemaking, which shall include either of the following: 51

(i) For a five-year review, if the department determines a 52
rule does not need to be amended or rescinded, a statement that 53
the rule is not being amended or rescinded; 54

(ii) If the department is adopting a new rule or amending 55
or rescinding an existing rule, information explaining the 56
rationale for changing the rule including any state or federal 57
law changes that make the new rule or rule change necessary. 58

(b) Provide a link to a web page on the department's web 59
site that provides an opportunity to review the current rule, if 60
one exists, and submit public comments for a period of time 61
established by the department. As part of the public comment 62
system, the department shall provide individuals who submit 63
comments with the opportunity to also submit information that 64
might aid the department in preparing a business impact 65
analysis, if one is required. 66

(c) Consider each comment the department receives during 67
the public comment period when drafting the rule. The department 68
is not required to respond to submitted comments. 69

(2) Prior to submitting a proposed rule to the joint 70
committee on agency rule review, do all of the following: 71

(a) Post the draft rule and a completed business impact 72
analysis on the department's web site, if one is required; 73

(b) Notify stakeholders that the rule draft, and the 74

business impact analysis, if one is required, have been posted 75
on the department's web site. The department shall include in 76
the notice a link to a web page on the department's web site 77
that provides an opportunity to review the draft rule, and the 78
business impact analysis, if one is required, and submit public 79
comments for a period of time established by the department. 80

(c) Consider each comment the department receives during 81
the public comment period. The department may revise the draft 82
based on the submitted comments. 83

(3) If the department determines further outreach is 84
necessary, hold stakeholder meetings, send questions to 85
stakeholders, or create stakeholder advisory groups. 86

(C) A notice under division (B) of this section is not a 87
public notice, but rather a courtesy for stakeholders. 88

(D) Nothing in this section requires the department to 89
send out draft rules to, nor negotiate draft rule language with, 90
stakeholders." 91

After line 62710, insert: 92

"(H) The Director of Education and Workforce shall, in a 93
timely manner, schedule a list of regular meetings under section 94
3301.137 of the Revised Code for fiscal year 2024." 95

The motion was _____ agreed to.

SYNOPSIS 96

Public meetings requirement 97

R.C. 3301.137 and Section 5	98
Requires the Director of Education and Workforce, or the	99
Director's designee, to convene a public meeting every other	100
month to conduct a presentation regarding any new information	101
the Department of Education and Workforce has about:	102
(1) Any of its significant new or existing initiatives,	103
policies, and guidelines;	104
(2) Any changes to state and federal law that affects the	105
Department or education stakeholders; and	106
(3) Any rule for which the Director intends to initiate	107
rulemaking.	108
Requires the Director, or the Director's designee, to	109
provide an opportunity for public discussion regarding a	110
presentation after it is completed.	111
Requires the Department to make an audio recording of each	112
public meeting available on the internet within five business	113
days of the meeting's conclusion.	114
Specifies that any nonemergency rule adopted after the	115
bill's effective date is void, unless the rule is included in a	116
presentation at a public meeting.	117
Stakeholder outreach process	118
R.C. 3301.138	119
Requires the Department to establish a stakeholder	120
outreach process under which the Department, when engaging in	121
Chapter 119 rulemaking, must do all of the following:	122
(1) Provide stakeholders with a notice explaining the	123
Department's rationale for initiating rulemaking before the	124

Department initiates the process to adopt a new rule or amend or rescind an existing rule;	125
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(2) Provide stakeholders with a notice about, and a chance to review, a draft rule, and a business impact analysis, if one is required, before they are submitted to the Joint Committee on Agency Rule Review;	127
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(3) Provide stakeholders with an opportunity to submit public comments on the Department's web site about the decision to initiate rulemaking and the draft rule and business impact analysis, if one is required;	131
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(4) If the Department determines further outreach is necessary, hold stakeholder meetings, send questions to stakeholders, and create stakeholder advisory groups.	135
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