

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 336

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, 1
103.48, 103.49, and 103.50 of the Revised Code 2
and to amend Section 311.10 of Am. Sub. H.B. 166 3
of the 133rd General Assembly and to repeal 4
Section 733.40 of Am. Sub. H.B. 166 of the 133rd 5
General Assembly to reinstate the Joint 6
Education Oversight Committee, make an 7
appropriation, and declare an emergency. 8

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

Section 1. That sections 103.44, 103.45, 103.46, 103.47, 9
103.48, 103.49, and 103.50 of the Revised Code be enacted to 10
read as follows: 11

Sec. 103.44. As used in sections 103.45 to 103.50 of the 12
Revised Code: 13

(A) "Other public schools" includes the state school for 14

the deaf, the state school for the blind, community schools 15
established under Chapter 3314. of the Revised Code, STEM 16
schools established under Chapter 3326. of the Revised Code, and 17
college-preparatory boarding schools established under Chapter 18
3328. of the Revised Code. 19

(B) "State institution of higher education" has the same 20
meaning as in section 3345.011 of the Revised Code. 21

Sec. 103.45. (A) The joint education oversight committee 22
of the house of representatives and senate is hereby created. 23
The committee shall authorize a plan of work, which shall 24
include research, review, study, and analysis of current or 25
emerging education policy issues important to the state, the 26
available policy options to address such issues, and the 27
available data and research to support such analysis and 28
options. 29

(B) The committee also may select, for review and 30
evaluation, education programs at school districts, other public 31
schools, and state institutions of higher education that receive 32
state financial assistance in any form. The reviews and 33
evaluations may include any of the following: 34

(1) Assessment of the uses school districts, other public 35
schools, and state institutions of higher education make of 36
state money they receive, and a determination of the extent to 37
which that money improves student, district, school, or 38
institutional performance in the areas for which the money was 39
intended to be used; 40

(2) Determination of whether an education program meets 41
its intended goals, has adequate operating or administrative 42
procedures and fiscal controls, encompasses only authorized 43

activities, has any undesirable or unintended effects, and is 44
efficiently managed; and 45

(3) Examination of pilot programs developed and initiated 46
in school districts, at other public schools, and at state 47
institutions of higher education to determine whether the 48
programs suggest innovative, effective ways to deal with 49
problems that may exist in other districts, schools, or 50
institutions of higher education, or to create opportunities for 51
success, and to assess the fiscal costs and likely impact of 52
adopting the programs throughout the state. 53

(C) The committee may prepare a report of the results of 54
each review and evaluation it conducts, make recommendations to 55
the general assembly and transmit the report and its 56
recommendations to the general assembly under section 101.68 of 57
the Revised Code. It also may submit the report and its 58
recommendations to the chairpersons and members of the standing 59
committees of the house of representatives and the senate 60
principally responsible for education policy. 61

(D) If the general assembly directs the joint education 62
oversight committee to submit a study to the general assembly by 63
a particular date, the committee, upon a majority vote of its 64
members, may modify the scope and due date of the study to 65
accommodate the availability of data and resources. 66

Sec. 103.46. The joint education oversight committee may 67
review bills and resolutions regarding education that are 68
introduced or offered in the general assembly, and may prepare a 69
report of its review. The committee shall transmit its report to 70
the general assembly under section 101.68 of the Revised Code. 71
The report may include the committee's determination regarding 72
the bill's or resolution's desirability as a matter of public 73

policy. 74

The committee's decision on whether and when to review a 75
bill or resolution has no effect on the general assembly's 76
authority to act on the bill or resolution. 77

Sec. 103.47. The joint education oversight committee 78
chairperson may, subject to approval by the speaker of the house 79
of representatives or the speaker's designee and the president 80
of the senate or the president's designee, employ professional, 81
technical, and clerical employees as are necessary for the joint 82
education oversight committee to be able successfully and 83
efficiently to perform its duties. All the employees are in the 84
unclassified service and may be terminated by the chairperson, 85
subject to approval of the speaker or the speaker's designee and 86
president or the president's designee. The committee may 87
contract for the services of persons who are qualified by 88
education and experience to advise, consult with, or otherwise 89
assist the committee in the performance of its duties. 90

Sec. 103.48. The chairperson of the joint education 91
oversight committee may request that the superintendent of 92
public instruction or the chancellor of higher education appear 93
before the committee. If so requested, the superintendent or the 94
chancellor shall appear before the committee at the time and 95
place specified in the request. 96

Sec. 103.49. (A) The chairperson of the joint education 97
oversight committee may request any state agency or political 98
subdivision to provide to the committee such data, statistics, 99
and other information that is determined to be useful to the 100
work of the committee pursuant to the committee's statutory 101
purposes. Subject to division (B) of this section, and to the 102
extent permitted under section 3319.321 of the Revised Code and 103

the "Family Educational Rights and Privacy Act of 1974," 88 104
Stat. 571, 20 U.S.C. 1232g, as amended, any state agency or 105
political subdivision shall provide the committee with the 106
information requested. 107

(B) (1) Upon the joint written request of the chairperson 108
and vice-chairperson of the committee, the superintendent of 109
public instruction shall, within a reasonable time period, 110
provide the committee with data and information that is in the 111
superintendent's possession or is readily accessible to the 112
superintendent. 113

(2) Upon receiving a written request from the chairperson 114
and vice-chairperson of the committee, the state superintendent 115
may request clarification from the committee regarding the 116
request in order to facilitate a timely response. The committee 117
shall cooperate with the state superintendent to determine the 118
scope of the data and information requested, taking into account 119
the committee's need and urgency for the information, the 120
superintendent's ease or difficulty of accessing the data and 121
information, the quantity of the information requested, and any 122
other practical considerations that apply. 123

(3) Except as provided in division (B) (4) of this section, 124
if the state superintendent and the chairperson and vice- 125
chairperson are unable to resolve their differences regarding a 126
written request within thirty days of the state superintendent's 127
receipt of the request from the chairperson and vice- 128
chairperson, the chairperson and vice-chairperson may jointly 129
insist in writing on receiving the data and information from the 130
state superintendent, and the superintendent, upon receiving 131
that written request, shall promptly make that information 132
available to the chairperson and vice-chairperson. 133

(4) If the state superintendent requests clarification 134
from the committee under division (B) (2) of this section 135
regarding a written request for a large data set, as determined 136
by the state superintendent, the state superintendent may inform 137
the chairperson and vice-chairperson of the state 138
superintendent's determination that the request is for a large 139
data set and request that the period of time in which the state 140
superintendent and the chairperson and vice-chairperson must 141
resolve their differences regarding the request under division 142
(B) (3) of this section be extended beyond thirty days of the 143
state superintendent's receipt of the request. At no time, 144
however, shall the time period in which the state superintendent 145
and the chairperson and vice-chairperson must resolve their 146
differences regarding the request under division (B) (3) of this 147
section be longer than ninety days following the state 148
superintendent's receipt of the request. 149

Sec. 103.50. The joint education oversight committee shall 150
consist of the following members: 151

(A) Five members of the house of representatives appointed 152
by the speaker of the house of representatives, three of whom 153
are members of the majority party and two of whom are members of 154
the minority party; and 155

(B) Five members of the senate appointed by the president 156
of the senate, three of whom are members of the majority party 157
and two of whom are members of the minority party. 158

The term of each member begins on the day of appointment 159
to the committee and ends on expiration or other termination of 160
the member's term as a member of the house of representatives or 161
senate. The speaker and president shall make subsequent 162
appointments not later than fifteen days after the commencement 163

of the first regular session of each general assembly. Members 164
may be reappointed. A vacancy on the committee shall be filled 165
in the same manner as the original appointment. 166

In odd-numbered years, the speaker shall designate one of 167
the majority members from the house of representatives as 168
chairperson and the president shall designate one member from 169
the senate, who is not from the same political party as the 170
chairperson, as the ranking member. In even-numbered years, the 171
president shall designate one of the majority members from the 172
senate as the chairperson and the speaker shall designate one 173
member from the house of representatives, who is not from the 174
same political party as the chairperson, as the ranking member. 175

In appointing members from the minority, and in 176
designating ranking members who are from the minority, the 177
president and speaker shall consult with the minority leader of 178
their respective houses. 179

The committee shall meet at the call of the chairperson. 180
The committee shall meet not less often than once each calendar 181
month, unless the chairperson and ranking member agree that the 182
chairperson should not call the committee to meet for a 183
particular month. 184

Notwithstanding section 101.26 of the Revised Code, the 185
members, when engaged in their duties as members of the 186
committee on days when there is not a voting session of the 187
member's house of the general assembly, shall be paid at the per 188
diem rate of one hundred fifty dollars, and their necessary 189
traveling expenses. These amounts shall be paid from the funds 190
appropriated for the payment of expenses of legislative 191
committees. 192

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.

	1	2	3	4	5
A	JEO JOINT EDUCATION OVERSIGHT COMMITTEE				
B	General Revenue Fund				
C	GRF	047321	Operating Expenses	\$ 100,000	\$ 0
				<u>376,663</u>	<u>378,668</u>
D	TOTAL GRF General Revenue Fund			\$ 100,000	\$ 0

		<u>376,663</u>	<u>378,668</u>	
E	TOTAL ALL BUDGET FUND GROUPS	\$ 100,000 \$		0
		<u>376,663</u>	<u>378,668</u>	
	OPERATING EXPENSES			211
	The foregoing appropriation item 047321, Operating			212
	Expenses, shall be used to support expenses related to the Joint			213
	Education Oversight Committee under section <u>sections</u> 103.45 to			214
	103.50 of the Revised Code, as it existed prior to the effective			215
	date of this act.			216
	<u>On the effective date of the amendment of this section</u>			217
	<u>byB.... of the 133rd General Assembly, or as soon as</u>			218
	<u>possible thereafter, the Joint Education Oversight Committee may</u>			219
	<u>certify to the Director of Budget and Management an amount up to</u>			220
	<u>the unexpended, unencumbered balance of the foregoing</u>			221
	<u>appropriation item 047321, Operating Expenses, at the end of</u>			222
	<u>fiscal year 2019 to be reappropriated to fiscal year 2020. The</u>			223
	<u>amount certified is hereby reappropriated to the same</u>			224
	<u>appropriation item for fiscal year 2020.</u>			225
	<u>On July 1, 2020, or as soon as possible thereafter, the</u>			226
	<u>Joint Education Oversight Committee may certify to the Director</u>			227
	<u>of Budget and Management an amount up to the unexpended,</u>			228
	<u>unencumbered balance of the foregoing appropriation item 047321,</u>			229
	<u>Operating Expenses, at the end of fiscal year 2020 to be</u>			230
	<u>reappropriated to fiscal year 2021. The amount certified is</u>			231
	<u>hereby reappropriated to the same appropriation item for fiscal</u>			232
	<u>year 2021.</u>			233
	Section 3. That existing Section 311.10 of Am. Sub. H.B.			234
	166 of the 133rd General Assembly is hereby repealed.			235

Section 4. That Section 733.40 of Am. Sub. H.B. 166 of the 133rd General Assembly is hereby repealed. 236
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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. 238
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