

As Adopted by the Senate

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

H. C. R. No. 35

Representative Callender

**Cosponsors: Representatives Carruthers, Creech, Cross, Cutrona, Edwards, Ferguson, Fowler Arthur, Fraizer, Ginter, Grendell, Gross, Hall, Hillyer, Hoops, John, Johnson, Jones, Kick, Koehler, Lampton, LaRe, Lipps, Loychik, McClain, Oelslager, Plummer, Richardson, Schmidt, Seitz, Sheehy, Sobecki, Stephens, Stewart, Stoltzfus, White, Wiggam, Wilkin, Young, T., Speaker Cupp
Senators Brenner, Cirino, Dolan, Gavarone, Hottinger, Johnson, Lang, Manning, McColley, O'Brien, Peterson, Reineke, Roegner, Romanchuk, Schaffer, Schuring, Thomas, Wilson, Yuko**

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