



LEGISLATIVE UPDATE

June 1, 2022

Redistricting remains a major issue for the state. With the involvement of the Ohio Supreme Court, redistricting is a "hot button" issue. Also on the agenda: gun issues, reproductive rights issues, freedom of speech issues, and, of course, CRT!

Tuesday, May 31, 2022 Gongwer Update

House Begins Review Of Latest Teaching Restriction Bill (616)

The newest in a series of measures aimed at shaping how topics involving gender, race and sexuality can be taught in Ohio classrooms got a frosty reception from House Democrats on Tuesday.

Sponsor testimony on the proposal ([HB 616](#)), which has been labeled a "don't say gay" bill by opponents, led to several questions from the minority members of the [House State & Local Government](#) Track Committee and none from Republicans.

The measure would bar schools teaching or providing instructional materials on sexual orientation or gender identity to students in grades K-3. Educators would be prohibited from instruction on those topics that is "not age-appropriate or developmentally appropriate" for students in grades 4-12.

The legislation also would ban textbooks and other instructional material that "promotes any divisive or inherently racist concept," which includes critical race theory and intersectional theory as defined by the bill.

Sponsor [Rep. Mike Loychik](#) (R-Cortland) called for passage of the measure ahead of summer recess to "ensure that our children are receiving fair, unbiased, and age appropriate education" at the start of the coming school year.

"What does this legislation do? Very simply it ensures that divisive and inherently racist concepts are not taught in schools," he said. "It ensures that sexual orientation and gender ideology are not taught in kindergarten through third grade. Starting in fourth grade it must be age appropriate."

Rep. Loychik said the bill would allow a parent who believes the measure's restrictions have been violated to file a complaint with the [State Board of Education](#).

"The school or teacher are provided a hearing to ensure that their side is heard and only a fair outcome is reached," he said. "We want a process which supports parental rights but is not unjust on teachers."

[Rep. Jean Schmidt](#) (R-Loveland) said in sponsor testimony the legislation would protect children from "biased, political talking points."

"No child should fear being called racist because of the color of their skin or be forced into thinking that the wrongs of the past are on their shoulders," she said.

[Rep. Latyna Humphrey](#) (D-Columbus) questioned inclusion of language in the bill defining certain diversity and inclusion efforts as inherently racist.

Rep. Loychik said diversity, equity and inclusion, or DEI, is "very similar to CRT," referencing critical race theory – a higher education concept exploring effects of racism on the American legal system and society that has become a hobbyhorse for conservative lawmakers and media.

Rep. Humphrey asked how DEI relates to CRT.

Rep. Loychik said he believes CRT was rebranded as DEI because the former was not widely accepted.

Rep. Humphrey said she was not convinced by Rep. Loychik's answer.

"I'm not sure how DEI is considered critical race theory," she said.

[Rep. Michael Skindell](#) (D-Lakewood) said the bill also bans professional development related to DEI. He questioned how schools could respond effectively to staff members who use insensitive language if such training is prohibited.

Asked if she would consider an exclusion for such training in the bill, Rep. Schmidt said she is always open to reviewing potential amendments.

Rep. Skindell said he believes the bill is written so broadly it also could prevent schools from hosting events in which students bring in meals representing their cultures.

Rep. Schmidt said such events are "not what this is after." She said the BOE would help define what the legislation prohibits, leading Rep. Skindell to argue that the legislature should not be deferring that responsibility.

Rep. Humphrey asked if the bill could be seen as "government overreach" or "micromanaging."

"I see this as a parental rights bill," Rep. Schmidt said.

[Rep. Tavia Galonski](#) (D-Akron) said lawmakers should not be censoring conversations in the state's schools.

"It makes us better people when we sit down together and we discuss these things," she said.

Honesty for Ohio Education, a coalition of more than 30 civil rights, union and other groups, in a release pledged to continue to oppose the measure, which it called an "educational gag order."

"We will not be silent as elected officials try to import racist, homophobic and transphobic legislation into Ohio, parroting an extreme national agenda that seeks to divide Ohioans rather than unite us in support of public education," Cynthia Peeples, the coalition's founding director, said in a statement.

The State & Local Government Committee has conducted a combined eight hearings on two other House GOP proposals ([HB 322](#) & [HB 327](#)) that would place restrictions on how topics related to race and other subjects are taught in the state.

Neither of those proposals has received a committee hearing since February.

Honesty for Ohio Education info@honestyforohioeducation.org

Changes Likely For Preschool Special Education Rule

A regulation outlining requirements for preschool classrooms serving students with special needs is in line for revisions in response to concerns from school administrators throughout the state.

Wendy Grove, director of the Department of Education's Office of Early Learning and School Readiness, told the [State Board of Education](#) on Monday that an updated version of the [rule](#) likely will be posted later this month ahead of a hearing by the BOE's Integrated Student Supports Committee in June.

Ms. Grove said many concerns about the existing rule relate to its definition of an integrated preschool classroom as one in which 50% of children have disabilities and 50% do not. She said the rule does not account for the fluidity common in preschool enrollments across the state.

Panel Members: The Department of Education is seeking applicants for the Gifted Advisory Council. Those interested may [apply online](#) through June 17 to participate in the panel, which aids in the development and implementation of gifted education policy. Council members seek two-year terms and meet four in more times per year at ODE or other locations in central Ohio. There are no term limits for the panel. More information on the council is available on the [department's website](#).

Bills worth noting:

HB 99-Armed School Staff: Passed by House and Senate. House concurs with Senate amendments.

HB 151-Teacher Mentorship: Informally passed. Replace Teacher Residency with local new teacher mentorship programs beginning 2023-4 school year.

HB 497-Third Grade Reading Guarantee. Eliminate retention under the law.

HB 583-Substitute Teachers (and much more). House concurs with Senate amendments,

Education

Topic Report

June 2, 2022



Bill #	Summary	Status
<u>HB1</u>	Create new school financing system	2021-02-04 / Introduced <u>To House Finance Committee</u>
<u>HB6</u>	Modify laws governing certain professions due to COVID-19	2021-05-12 / Passed Effective 5/14/21 - Sections 3 and 4 effective October 9, 2021
<u>HB49</u>	Reinstate the Joint Education Oversight Committee	2021-02-04 / Introduced <u>To House Primary and Secondary Education Committee</u>
<u>HB54</u>	Dissolve academic distress commissions	2021-02-04 / Introduced <u>To House Primary and Secondary</u>

		Education Committee
HB67	Seek waiver from federal testing requirements	2021-03-17 / Passed Effective 3/20/21
HB73	Regards educational testing, assessment, and retention	2021-02-10 / Introduced To House Primary and Secondary Education Committee
HB82	Eliminate required assessment for high school graduation	2021-06-25 / Passed Effective 9/30/21
HB99	Regards persons authorized to go armed within school safety zone	2022-06-01 / Enrolled Passed
HB100	Dissolve existing academic distress commissions	2021-02-10 / Introduced To House Primary and Secondary Education Committee
HB105	Regards age-appropriate child sexual abuse instruction	2021-06-16 / Engrossed To Senate Primary and Secondary Education Committee
HB110	Creates appropriations for FY 2022-2023.	2021-07-01 / Passed Effective 6/30/21 - Operating appropriations effective June 30, 2021. Other provisions

		generally effective September 30, 2021. Some provisions subject to special effective dates.
<u>HB151</u>	Replace Ohio Teacher Residency program with local mentorship	2022-05-25 / Introduced Reported - Substitute: Primary and Secondary Education
<u>HB170</u>	Provide assistance to schools and other entities	2021-05-26 / Passed Effective 6/2/21 - Certain sections effective September 1, 2021
<u>HB200</u>	Revise the state report card and school accountability system	2021-03-16 / Introduced <u>To House Primary and Secondary Education Committee</u>
<u>HB203</u>	Require occupational license if experienced in another state	2022-04-12 / Introduced Reported - Substitute: State and Local Government
<u>HB205</u>	Enact Collin's Law: The "Ohio Anti-Bullying and Hazing Act"	2021-03-16 / Introduced <u>To House Primary and Secondary Education Committee</u>

HB240	Enact Parents Right to Know Act	2021-04-14 / Introduced To House Primary and Secondary Education Committee
HB244	Regards educational opportunities/enrollment military kids	2021-06-28 / Passed Effective 10/13/21
HB290	Express intent for school funding formula	2021-05-11 / Introduced To House Finance Committee
HB298	Change voting membership - State Board of Education	2021-05-12 / Introduced To House Government Oversight Committee
HB322	Regards the teaching of certain current events, race, and sex	2021-06-10 / Introduced To House State and Local Government Committee
HB327	Prohibit teaching, advocating, or promoting divisive concepts	2021-06-10 / Introduced To House State and Local Government Committee
HB403	Require reports of teachers retiring under investigation threat	2022-03-23 / Introduced Reported: Primary and Secondary Education

<u>HB477</u>	Prevent expulsion, termination based on COVID vaccination status	2021-11-01 / Introduced Introduced
<u>HB497</u>	Eliminate retention under the Third Grade Reading Guarantee	2022-05-25 / Introduced Reported: Primary and Secondary Education
<u>HB529</u>	Requires online posting of school curricula	2022-01-25 / Introduced <u>To House</u> <u>Primary and</u> <u>Secondary</u> <u>Education</u> <u>Committee</u>
<u>HB582</u>	Regards nomination and election of boards of education	2022-03-01 / Introduced <u>To House</u> <u>Government</u> <u>Oversight</u> <u>Committee</u>
<u>HB583</u>	Regards educator licenses for substitute teachers	2022-05-25 / Enrolled Passed
<u>HB597</u>	Regards capital reappropriations; certain classroom facilities	2022-03-30 / Passed Effective 7/1/22
<u>HB616</u>	Regards promotion, teaching-divisive, inherently racist concepts	2022-05-17 / Introduced <u>To House</u> <u>State and</u> <u>Local</u> <u>Government</u> <u>Committee</u>
<u>SB1</u>	Regards teaching financial literacy in high school	2021-10-06 / Passed Effective 1/27/22 - Section 4 effective October 28, 2021

<u>SB37</u>	Revise 2020-2021 Education Law due to COVID-19	2021-02-03 / Introduced To Senate Primary and Secondary Education Committee
<u>SB111</u>	Provide assistance to schools and other entities	2021-06-24 / Enrolled Passed - Amended
<u>SB126</u>	Enact Collin's Law: The Ohio Anti-Hazing Act	2021-06-28 / Passed Effective 10/7/21
<u>SB131</u>	Require occupational license if experienced in another state	2022-06-01 / Engrossed Passed
<u>SB135</u>	Regards state institutions of higher education and free speech	2022-04-06 / Passed Effective 7/21/22 - Appropriations effective April 20, 2022
<u>SB145</u>	Revise the state report card system	2021-03-24 / Introduced To Senate Primary and Secondary Education Committee
<u>SB178</u>	Reform function, responsibilities of state education offices	2021-05-12 / Introduced To Senate Primary and Secondary Education Committee
<u>SB181</u>	Regards student religious expression in athletics, activities	2022-02-09 / Passed Effective 5/30/22

<u>SB209</u>	Regards mask mandates for schools and businesses	2021-09-08 / Introduced To Senate General Government Budget Committee
<u>SB214</u>	Requires instruction in Asian American history	2021-09-08 / Introduced To Senate Primary and Secondary Education Committee
<u>SB229</u>	Regards use of blended learning during 2021-2022	2021-12-08 / Passed Effective 12/14/21 - Emergency, effective immediately; one provision effective 1/27/22
<u>SB233</u>	Regards school nurse licensure and state retirement	2021-09-22 / Introduced To Senate Primary and Secondary Education Committee
<u>SB306</u>	Require Higher Ed Chancellor establish tutoring, remedial program	2022-05-25 / Introduced Reported - Substitute: Primary and Secondary Education