This February 6, 2020, Legislative e-Update is provided by OESCA to Ohio’s ESCs, their client school districts, and other key education stakeholders. The e-Update provides information on the education bills of interest to Ohio’s public education community which have received legislative action in the past 60 days. Bills are organized in order of last action date and include the three most recent status updates with most recent activity listed first in descending order. There are also links to the state bill page for users to download any bills, analyses or fiscal notes. The document concludes with the latest news from Capitol Square.

Breaking News

House Passes Voucher, ADC Changes; Senate Due to Reconvene at 6:45 p.m.
The House passed voucher changes and academic distress commission (ADC) repeal in SB89 (M. Huffman) on a vote of 88-7, with a 92-3 vote to include an emergency clause. It now goes to the Senate where the upper chamber is expected not to concur with the changes, per statements by Senate President Larry Obhof (R-Medina) earlier today. This means the bill will go to a conference committee.

Attached to this report are: 1) the bill analysis for SB 89 As Passed House Committee, and 2) the fiscal note for SB 89 As Passed by the House - there is reference to the ADC elimination in the fiscal note. The Senate did not take action (i.e. vote to concur or not to concur) last night as they were waiting for the bill to be referred back to the Senate. However, as stated above it is likely they will vote to not concur with the House changes and the legislature will then have two competing EdChoice bill conference committees (HB 9 and SB 89).

For more information see the article in the “Capital Square in Review” section at the end of this report.

Legislative Tracking Report

BILL MONITORING
The following education bill of interest are monitored by OESCA on behalf of the membership and client districts. Bills are organized according to last action date. Only bills receiving legislative action in the past 60 days are listed below:

SB134 PASSING SCHOOL BUSSES (GAVARONE T) To make changes to the law governing passing a school bus, to create a new offense for vehicular homicide and vehicular assault related to improperly passing a stopped school bus, to make an appropriation, and to designate this the School Bus Safety Act.

Current Status: 2/5/2020 - PASSED BY SENATE; Vote 32-0
Recent Status: 1/22/2020 - REPORTED OUT, Senate Transportation, Commerce and Workforce, (Fourth Hearing)
**SB268**  
**CAPITAL APPROPRIATION** (SYKES V) To modify the purpose of a capital appropriation.  
**Current Status:** 2/5/2020 - Referred to Committee Senate Finance  
**Recent Status:** 2/3/2020 - Introduced  

**SB89**  
**CAREER-TECHNICAL EDUCATION** (HUFFMAN M) With regard to career-technical education and the compensation of joint vocational school districts located in enterprise zones.  
**Current Status:** 2/5/2020 - PASSED BY HOUSE; Amended on Floor, Bill Vote 88-7, Emergency Clause 92-3  
**Recent Status:** 2/5/2020 - REPORTED OUT AS AMENDED, House Primary and Secondary Education, (Fifth Hearing)  
2/5/2020 - Bills for Third Consideration  
**Categories:** Education  
**Position:** Amend  

**SB262**  
**DIRECT PAYMENTS TO SCHOOLS** (WILLIAMS S) To require the direct payment of state funding to community schools and science, technology, engineering, and mathematics schools; to require the direct payment of K-12 state scholarships; and to make an appropriation.  
**Current Status:** 2/5/2020 - Referred to Committee Senate Finance Primary and Secondary Education Subcommittee  
**Recent Status:** 1/27/2020 - Introduced  
**Categories:** Budget and Appropriations, Education, Science & Technology, State Government  

**HB493**  
**SCHOOL DISTRICT CONTINUATION** (WIGGAM S) To permit a child whose parents live in different school districts to continue to attend school in the school district in which the child attended school at the beginning of the school year even if the child moves to a different school district.  
**Current Status:** 2/4/2020 - Introduced  
**Recent Status:**  
**Categories:** Education  

**HB494**  
**LOAN REPAYMENT PROGRAM - TEACHERS** (LIGHTBODY M) To establish a loan repayment program for eligible teachers.  
**Current Status:** 2/4/2020 -Introduced  
**Recent Status:**  
**Categories:** Education, Financial Institutions  
SB34  SCHOOL EMPLOYEES AND EDUCATOR LICENSURE  (KUNZE S) Regarding school employee employment and educator licensure and conduct.

**Current Status:** 2/4/2020 - REPORTED OUT, Senate Education, (Eighth Hearing)

**Recent Status:** 1/28/2020 - Senate Education, (Eighth Hearing)
12/3/2019 - SUBSTITUTE BILL ACCEPTED, Senate Education, (Sixth Hearing)

**Categories:** Education

**Position:** Undetermined

**State Bill Page:** https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-34

SB253  STUDENT THREAT OF VIOLENCE  (KUNZE S) Regarding expulsion of a student from a public school for communicating a threat of violence to occur on school grounds.

**Current Status:** 2/4/2020 - Senate Local Government, Public Safety and Veterans Affairs, (First Hearing)

**Recent Status:** 12/17/2019 - Referred to Committee Senate Local Government, Public Safety and Veterans Affairs
12/11/2019 - Introduced

**Categories:** Education

**State Bill Page:** https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-253

HB436  DYSLEXIA SCREENINGS FOR CHILDREN  (BALDRIDGE B) With regard to screening and intervention for children with dyslexia.

**Current Status:** 2/4/2020 - House Health, (Second Hearing)

**Recent Status:** 1/14/2020 - House Health, (First Hearing)
12/10/2019 - Referred to Committee House Health

**Categories:** Children and Family Issues, Health Care

**State Bill Page:** https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-436

HB123  SCHOOL SAFETY TRAINING  (HOLMES G, MANNING G) With regard to school security and youth suicide awareness education and training.

**Current Status:** 2/4/2020 - BILL AMENDED, Senate Education, (Fourth Hearing)

**Recent Status:** 1/21/2020 - SUBSTITUTE BILL ACCEPTED, Senate Education, (Third Hearing)
10/29/2019 - Senate Education, (Second Hearing)

**Categories:** Education, Mental Health & Disabilities, Public Safety

**Position:** Amend

**State Bill Page:** https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-123

SB102  DYSLEXIA SCREENING PROGRAM  (BRENNER A, LEHNER P) To establish the Dyslexia Screening Program for school districts and other public schools.

**Current Status:** 1/28/2020 - Senate Education, (Sixth Hearing)

**Recent Status:** 1/21/2020 - SUBSTITUTE BILL ACCEPTED, Senate Education, (Fifth Hearing)
10/29/2019 - Senate Education, (Fourth Hearing)

**Categories:** Education

**Position:** Undetermined
HB478  EDUCATIONAL CHOICE SCHOLARSHIP ELIGIBILITY  (MILLER A, MIRANDA J) To make changes regarding the eligibility criteria for the Educational Choice scholarship program.

Current Status: 1/28/2020 - Referred to Committee House Primary and Secondary Education

Recent Status: 1/23/2020 - Introduced

Categories: Education


HB459  STUDENT PARTICIPATION - EXTRACURRICULAR ACTIVITIES  (MILLER A, MILLER J) To prohibit a coach, director, or supervisor of an extracurricular activity from restricting student participation in other extracurricular activities.

Current Status: 1/28/2020 - Referred to Committee House Primary and Secondary Education

Recent Status: 12/23/2019 - Introduced

Categories: Education


HB448  SCHOOL CREDIT APPROVAL  (BOYD J) To authorize school credit for approved programs offered at times outside the normal school day.

Current Status: 1/28/2020 - Referred to Committee House Primary and Secondary Education

Recent Status: 12/12/2019 - Introduced

Categories: Education


HB409  STUDENT ATTENDANCE - ONLINE SCHOOLS  (KOELER K) Regarding student attendance at internet- or computer-based community schools that are not dropout prevention and recovery schools.

Current Status: 1/28/2020 - House Primary and Secondary Education, (Third Hearing)

Recent Status: 1/23/2020 - House Primary and Secondary Education, (Second Hearing)
12/10/2019 - House Primary and Secondary Education, (First Hearing)

Categories: Education

Position: Undetermined


HB465  SCHOOL ZONE LOCATIONS  (MANNING G) To authorize the creation of school zones around specified preschools.

Current Status: 1/28/2020 - Referred to Committee House Primary and Secondary Education

Recent Status: 1/14/2020 - Introduced

Categories: Education

HB447  SCHOOL SAFETY ADVISORY COMMITTEE (JORDAN K) To establish the School Safety Advisory Committee.

Current Status: 1/28/2020 - Referred to Committee House Primary and Secondary Education

Recent Status: 12/12/2019 - Introduced

Categories: Education


HB231  FREE EPINEPHRINE PROGRAMS (GREENSPAN D) To require the Department of Education to notify public and private schools of free epinephrine autoinjector programs and to enact the "Allison Rose Suhy Act" with regard to food allergy training for public schools and institutions of higher education.

Current Status: 1/23/2020 - House Primary and Secondary Education, (Third Hearing)

Recent Status: 1/21/2020 - SUBSTITUTE BILL ACCEPTED, House Primary and Secondary Education, (Second Hearing)
5/21/2019 - House Primary and Secondary Education, (First Hearing)

Categories: Education, Health Care, Public Safety

Position: Undetermined


HB310  SCHOOL BULLYING AND HAZING (GREENSPAN D) To enact the "Ohio Anti-Bullying and Hazing Act" with regard to school discipline and bullying and hazing policies at public schools and colleges.

Current Status: 1/23/2020 - House Primary and Secondary Education, (Fifth Hearing)

Recent Status: 1/21/2020 - SUBSTITUTE BILL ACCEPTED, House Primary and Secondary Education, (Fourth Hearing)
11/19/2019 - House Primary and Secondary Education, (Fourth Hearing)

Categories: Education, Higher Education

Position: Undetermined


SB126  CRISIS ASSESSMENTS-SUICIDAL YOUTH (MANNING N) To authorize a mental health professional to provide a crisis assessment, without parental consent, to a minor who is or is believed to be suicidal and to make an appropriation to support the employment of social workers or mental or behavioral health professionals at educational service centers.

Current Status: 1/22/2020 - SUBSTITUTE BILL ACCEPTED, Senate Health, Human Services and Medicaid, (Second Hearing)

Recent Status: 9/18/2019 - Senate Health, Human Services and Medicaid, (First Hearing)
5/1/2019 - Referred to Committee Senate Health, Human Services and Medicaid

Position: Undetermined

SB248  **SCHOOL STORM SHELTERS** (SCHAFFER T) To extend until November 30, 2022, the moratorium on the building code requirement for storm shelters for school construction projects.

- **Current Status:** 1/22/2020 - Senate General Government and Agency Review, (First Hearing)
- **Recent Status:** 12/11/2019 - Referred to Committee Senate General Government and Agency Review
  12/2/2019 - Introduced
- **State Bill Page:** [https://www.legislatu](https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-248)

HB360  **PUBLIC SCHOOLS-WATER STATIONS** (CRAWLEY E, HILLYER B) To require water bottle filling stations and drinking fountains in certain public school buildings.

- **Current Status:** 1/22/2020 - House Commerce and Labor, (Second Hearing)
- **Recent Status:** 11/6/2019 - House Commerce and Labor, (First Hearing)
  10/9/2019 - Referred to Committee House Commerce and Labor
- **Categories:** Education
- **Position:** Undetermined

SB200  **PROFESSIONAL DEVELOPMENT-DYSLEXIA** (LEHNER P, BRENNER A) With regard to professional development for screening and intervention for children with dyslexia.

- **Current Status:** 1/21/2020 - SUBSTITUTE BILL ACCEPTED, Senate Education, (First Hearing)
- **Recent Status:** 10/29/2019 - Senate Education, (First Hearing)
  10/29/2019 - Senate Education, (First Hearing)
- **Categories:** Children and Family Issues
- **Position:** Amend

HB321  **CHILD SEXUAL ABUSE PREVENTION** (LIPPS S, KELLY B) With respect to age-appropriate student instruction in child sexual abuse and sexual violence prevention and in-service staff training in child sexual abuse prevention.

- **Current Status:** 1/21/2020 - House Primary and Secondary Education, (First Hearing)
- **Recent Status:** 11/5/2019 - REPORTED OUT, House Health, (Third Hearing)
  10/15/2019 - House Health, (Second Hearing)
- **Categories:** Crime & Punishment, Education
- **Position:** Undetermined

SB147  **OHIO SCHOOL MARSHAL PROGRAM** (HOAGLAND F) To create the Ohio School Marshal Program.

- **Current Status:** 1/21/2020 - Senate Local Government, Public Safety and Veterans Affairs, (Second Hearing)
- **Recent Status:** 11/6/2019 - Senate Local Government, Public Safety and Veterans Affairs, (First Hearing)
  6/4/2019 - Referred to Committee Senate Local Government, Public Safety and Veterans Affairs
- **Position:** Undetermined
SB225  CHILD ABUSE REPORTING (LEHNER P) To require public schools to post signs with a child abuse reporting telephone number.

**Current Status:** 1/21/2020 - Senate Government Oversight and Reform, (First Hearing)

**Recent Status:** 10/23/2019 - Referred to Committee Senate Government Oversight and Reform
10/16/2019 - Introduced

**Categories:** Children and Family Issues, Education

**Position:** Undetermined


HB164  STUDENT RELIGIOUS RIGHTS (GINTER T) Regarding student religious expression and to entitle the act the "Ohio Student Religious Liberties Act of 2019."

**Current Status:** 1/21/2020 - Senate Education, (First Hearing)

**Recent Status:** 12/4/2019 - Referred to Committee Senate Education
11/13/2019 - **PASSED BY HOUSE**; Vote 61-31

**Categories:** Education, Religion

**Position:** Undetermined


HB322  TEACHER RESIDENCY (JONES D, MANNING D) To revise the Ohio Teacher Residency Program.

**Current Status:** 12/10/2019 - House Primary and Secondary Education, (Third Hearing)

**Recent Status:** 11/19/2019 - House Primary and Secondary Education, (Second Hearing)
10/29/2019 - House Primary and Secondary Education, (First Hearing)

**Categories:** Education, Occupations & Professions

**Position:** Undetermined


HB367  SCHOOL COUNSELOR HIRING PRACTICES (MIRANDA J, MANCHESTER S) To require the Department of Education to make recommendations for a job description for school counselors and to designate at least one staff member as a school counselor liaison.

**Current Status:** 12/10/2019 - House Primary and Secondary Education, (Third Hearing)

**Recent Status:** 11/19/2019 - House Primary and Secondary Education, (Second Hearing)
10/29/2019 - House Primary and Secondary Education, (First Hearing)

**Categories:** Education, Local Government, Occupations & Professions, Public Employees, State Government

**Position:** Oppose

Capitol Square in Review

House Sets 250 Percent Income Limit in Latest Voucher Plan, Attaches ADC Repeal

The House sent a new school voucher plan to the Senate Wednesday that would convert the EdChoice system to one based only on family income going forward, with some opportunity for siblings of current students to keep getting performance-based vouchers. Changes to SB89 (Huffman), a career-tech omnibus that became an education catch-all throughout the day, also included a House floor amendment to repeal academic distress commissions.

Earlier Wednesday, the House Primary and Secondary Education Committee also attached other amendments related to school district territory transfers and the Cupp-Patterson school funding plan, as well as an emergency clause to put some changes into effect immediately. The changes passed committee 13-3, with support from four Democrats, Reps. Phil Robinson (D-Solon), Catherine Ingram (D-Cincinnati), Joe Miller (D-Amherst) and John Patterson (D-Jefferson). The floor vote was 88-7, with a 92-3 vote to maintain the emergency clause.

The Senate had planned on holding a concurrence vote on Wednesday night, but the House sent its clerk home without delivering the message to the upper chamber, Sen. Matt Huffman (R-Lima) said during a late floor speech.

The Senate’s attempt to address the EdChoice controversy is already pending in the Conference Committee on HB9 (Jones-Sweeney).

House amendments to SB89 would rename the existing income-based EdChoice program as the “Buckeye Opportunity Scholarship” and set the income threshold at 250 percent of the federal poverty, higher than the current 200 percent but lower than the 300 percent included in a plan that recently passed the Senate. The House plan would rank order applicants based on income, so lower income families would get priority in cases where appropriations aren’t sufficient to fund all qualifying applications. Current performance-based voucher recipients would be grandfathered in to the program.

New performance-based vouchers would largely cease to be awarded after this year, except for siblings of some current recipients.

The list of buildings at which students are eligible for performance-based vouchers, now sitting at more than 500, would shrink to 188 in the coming school year, via removal of the state report card’s K-3 literacy measure from eligibility criteria. At those 188 buildings, school-age siblings of current performance-based voucher recipients would continue to be able to apply for performance-based vouchers.

In cases where students qualify both for performance-based and income-based vouchers, income-based vouchers would become the default. Performance-based vouchers are deducted from foundation funding provided to local school districts, whereas income-based vouchers are funded directly by the state.

The House amendments also set a September sunset for a controversial change to the school district territory transfer law included in the recent state budget, HB166 (Oelslager). The law, allowing some township residents to petition for transfer to a new school district and bypass review by the State Board of Education, is the subject of a string of lawsuits involving Plain Local Schools and residents of the village of Hills and Dales in Stark County.

At the end of Wednesday’s session, House Speaker Larry Householder (R-Glenford) addressed the chamber to praise members for their work on the thorny issue while saying there’s a long road ahead.
"We have testing reform that we have to do, we've got grade card reform we have to do, we've got school funding reform that we have to do. We've got a major task ahead of us. But I can't sway how proud I am to be a part of this," Householder said.

Other amendments to SB89 address education cost studies sought by Patterson and Rep. Bob Cupp (R-Lima), who've been working for more than two years on a school funding overhaul. The amendments delay the reporting deadline for an already authorized study on economically disadvantaged student funding from this coming December to December 2021, and adds studies with the same reporting deadline on special education and education of English language learners. In addition, House changes would create a study committee on assessments, with the charge of reviewing federal and state testing requirements; cut score ranges; performance measures used to determine state report card letter grades; and potential waivers of federal testing requirements. The committee would consist of five members apiece from the House and Senate and be required to report by Oct. 1.

The committee also accepted a few other amendments unrelated to EdChoice, with language addressing liability for loss of funds by school treasurers; specifying value-added data shouldn't be used to evaluate teachers at career-tech centers; addressing STEM school designations for career-tech centers; and regarding the amount of time a substitute career-tech teacher can teach outside their certified area.

The House floor amendment to repeal distress commissions was accepted without objection. Rep. Gayle Manning (R-North Ridgeville) said the amendment would free the East Cleveland, Lorain and Youngstown school districts from distress commission control, prevent creation of any new commissions until 2024 and enable challenged districts to work with a state School Transformation Board on an improvement plan, while maintaining local control.

"School improvement isn't something that can be imported into a school district. It has to be grown and locally supported," said Rep. Joe Miller (D-Amherst).

"It's time that we set the kids in Youngstown, East Cleveland and Lorain free from a failed experiment," said Rep. Michelle Lepore-Hagan (D-Youngstown).

The House already tried to enact a distress commission repeal via budget amendments last year, but the Senate objected. The House's standalone repeal bill, HB154 (Jones-J. Miller), has been sitting in the Senate Education Committee for months.

The constitutionality of distress commissions is under challenge before the Ohio Supreme Court. Meanwhile, a Mahoning County judge has halted the dissolution of the Youngstown Board of Education under the distress law, 131-HB70 (Brenner-Driehaus), pending the outcome of the Supreme Court case.

A combination of existing law, the expiration of a safe harbor period and recent EdChoice changes in the biennial budget have created a situation where the list of buildings at which students are eligible for vouchers will increase from more than 500 this year to more than 1,200 in the coming year. The Senate approved changes last week via amendments to HB9 (Jones-Sweeney) to set new criteria for the next three school years that would shave the projected eligibility list from 1,200-plus to 425, but also increase the earnings threshold for the income-based EdChoice program from 200 percent of the federal poverty level to 300 percent, among other revisions. Pressed to act before the Feb. 1 application deadline, lawmakers ultimately agreed to push that deadline back two months to April 1 via amendments to SB120 (McColley-Rulli). The application delay prompted a lawsuit from numerous families and Citizens for Community Values, on the grounds that the families have a vested right to the scholarships based on an eligibility list announced in November. The litigation also charges the General Assembly did not take the proper steps to put the delay into effect immediately, meaning the application window should have opened Feb. 1 as planned.

Householder said Wednesday he thinks the lawsuit over the application delay is meritless.
Speaking with reporters after session, Senate President Larry Obhof (R-Medina) said, “It would have been nice to walk it over from one side of the building to the other. But you play the hand you’re dealt, and we will deal with this when it eventually makes its way over here. … I think it would have been nice for us to have an opportunity to work with the House on the changes they made before they made them, and since we stayed, certainly I think the members would have appreciated having the opportunity to vote up or down on a concurrence vote today.”

Obhof said the SB89 concurrence vote will likely occur next week, adding that his chamber will almost certainly vote against the House amendments. Obhof and Huffman are both urging their colleagues to vote against concurrence.

Huffman said the House changes would “eliminate the EdChoice program in the state of Ohio.” “Now, it does increase the income-based EdChoice expansion program, which the state pays, to 250 percent. But again, this will be an extraordinary cut to EdChoice and to the families and other folks who are in that,” Huffman said. While Huffman has similarly proposed to convert the EdChoice program to one that’s based entirely on income, he suggested increasing the eligibility limit to 400 percent of poverty.

While Gov. Mike DeWine had said he planned to meet with Obhof and Householder this week, the Senate president said that meeting will now most likely occur next week.

Wednesday’s House session also included unanimous passage of HB412 (Clites-Ginter), creating a Rare Disease Advisory Council, and SCR4, designating Feb. 11 as “James Buster Douglas 42:1 Odds Day,” recognizing the Columbus boxing legend’s heavyweight championship win over Mike Tyson. The chamber cancelled a session and the House Criminal Justice Committee hearing scheduled for Thursday, citing forecasts of an overnight ice storm.

Householder demurred after session when asked to comment on the merits of a minimum wage initiative approved for signature collection Wednesday and a House resolution urging congressional passage of legislation to protect collective bargaining rights (see separate stories, this issue), saying he’s been too wrapped up in the EdChoice debate to consider them.