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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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H.C.R. 35
134th General Assembly

Final Analysis

Version: As Adopted by the General Assembly

Primary Sponsor: Rep. Callender

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SUMMARY

- Invalidates proposed amendments to Ohio Administrative Code 3301-35-04.

DETAILED ANALYSIS

Invalidating resolution

The resolution invalidates [proposed amendments to Ohio Administrative Code \(O.A.C.\) 3301-35-04](#). The proposed amendments were filed by the Department of Education with the Joint Committee on Agency Rule Review (JCARR) on August 20, 2021. They related to curriculum and instructional programs in schools, as described below. As a result of the resolution's adoption, the Department cannot institute or continue rulemaking proceedings with regard to any version of the proposed rule for the remainder of the 134th General Assembly's term – that is, through 2022 – unless the General Assembly adopts a concurrent resolution authorizing the Department to do so.¹

The resolution is part of a procedure in law that requires legislative oversight when an agency proposes to adopt, amend, or rescind an administrative rule. The procedure requires, among other actions, the agency to submit a proposed rule or amendment to JCARR at least 65 days before adopting it. During the 65-day period, JCARR may recommend that the Senate and House of Representatives adopt a concurrent resolution invalidating the proposed rule, amendment, or a part of it. JCARR may recommend the resolution if it makes any of the following findings:

¹ R.C. 106.042.

1. The proposed rule or amendment exceeds the scope of the adopting agency's statutory authority.
2. The proposed rule or amendment conflicts with the legislative intent of the statute under which it was proposed.
3. The proposed rule or amendment conflicts with another proposed or existing rule.
4. The proposed rule or amendment incorporates a text or other material by reference and fails to meet specific requirements.
5. The agency has failed to prepare a complete and accurate summary and fiscal analysis of the proposed rule or amendment as required by continuing law.
6. The agency has failed to demonstrate that the regulatory intent of the proposed rule or amendment justifies its adverse impact on Ohio businesses.²

The resolution specifies that findings (2), (3), (5), and (6) listed above apply to the proposed amendments to O.A.C. 3301-35-04.

Rule 3301-35-04

The proposed rule would have modified the State Board of Education's standards for school districts and nonpublic schools that elect to seek charters. Specifically, it would have eliminated a requirement that, in addition to those subjects required by the Revised Code,³ districts must provide for the study of:

1. Personal safety and assault prevention in grades K-6;
2. Foreign language;
3. Technology;
4. Family and consumer sciences; and
5. Business education.

The proposed rule would have made other changes, including how districts and schools interact with students and stakeholders, implement their assessment systems, award high school credit, and address student health and safety issues. Finally, it would have expressly applied several requirements to chartered nonpublic schools.

The State Board is required to prescribe minimum education standards that apply to all elementary and secondary schools in Ohio. It also is authorized to prescribe additional minimum operating standards for school districts.⁴

² R.C. 106.021.

³ See R.C. 3313.60 for the general K-12 curriculum requirements and R.C. 3313.603 for the minimum high school curriculum.

⁴ R.C. 3301.07(D)(2) and (3).

HISTORY

Action	Date
Introduced	10-13-21
Adopted by the House (95-0)	10-13-21
Adopted by the Senate (30-0)	10-20-21
