



Week of Dec. 12 – Dec. 16

K-12 education agency overhaul narrowly fails during marathon session

In what may have been the longest session in the modern-day history of the Ohio General Assembly, lawmakers finalized the work of the 134th General Assembly over a marathon 17-hour session. What once was a fast-tracked bill, [Senate Bill \(SB\) 178](#) quickly found itself stalled in a House committee on the final day of work where it lacked enough Republican votes to clear the 15-member panel. After hours of inaction by the House and nearing midnight, Senate President **Matt Huffman** forced the House's hand by using perhaps the largest floor amendment in Ohio legislative history (2,261 pages) to amend SB 178 with changes into [House Bill \(HB\) 151](#) on the floor. The House had hoped to send HB 151 to the governor, but Huffman's gambit left the House with two choices: take the education agency overhaul with HB 151, or leave them both to die.

Introduced by Sen. **Andrew Brenner**, the SB 178 floor amendment attempted to secure votes from many House Republicans who were on the fence due to homeschool concerns, as well as personal goals to secure political wins. Huffman's maneuver prevented amendments by the House and forced them to approve or disapprove the measure outright. This proved problematic for holdouts like Rep. **Jena Powell** who wanted to ban COVID-19 requirements by universities, despite already securing in the floor amendment a K-12 COVID-19 discrimination ban in public and private schools and including the Save Women Sports Act ([HB 61](#)).

Shortly before 3:00 a.m., House Speaker **Bob Cupp** brought HB 151 up for a vote. The bill failed 46-41.

Rumored as a key defector, the unofficial future House Speaker Rep. **Derek Merrin** broke with his party and voted "no" on the bill, joined by 10 fellow Republicans. Merrin reportedly withheld his support in order to better control the bill next month as the chamber's next leader, and key allies followed. Notably, however, not one member of Merrin's House leadership team next year joined him in opposition to the bill.

Alliance members are strongly encouraged to think creatively about improvements to the proposal as we await to the definitive reintroduction of SB 178 next month.

Bills on their way to Gov. DeWine

The General Assembly sent several bills to Gov. **Mike DeWine**, including:

- [HB 45](#), which included:
 - a \$112 million appropriation for a third-round of school safety grants;
 - an increase to 33% from 14% for the phase-in of the disadvantaged pupil impact aid (DPIA) component of the school-funding formula;
 - a modification to the transportation formula regarding weighted funding for community and chartered nonpublic school bus riders;
 - a \$1.75 billion appropriation to fulfill the penultimate federal disbursement of ARPA ESSER dollars;
 - an increase in eligibility and the per-pupil payments to \$1,000 from \$500 for the Afterschool Child Enrichment account program;

- an elimination of the requirement to construct storm shelters in school buildings undergoing or about to undergo construction, alteration, repair, or maintenance;
- the restoration of schools' ability to conduct raffles.
- [HB 554](#), which issues two-year temporary educator licenses to individuals with expired licenses and requires high schools to offer College Credit Plus students in military families who withdraw due to their parents' stationing orders the option to complete the coursework or withdraw without academic or financial penalty, among others;
- [HB 458](#), which eliminates the August special election and establishes photo ID voting requirements, among other provisions;
- [SB 288](#), which was amended on the House floor to include a requirement for public schools to annually provide age-appropriate sex abuse prevention education to K-6 students and sexual violence prevention education for grades 7-12. Lawmakers also included a provision prohibiting the K-6 instruction from being provided by organizations that provide abortion services.
- [HB 66](#), which allows school districts to propose to renew an emergency property tax levy and a combination income and property tax levy in a single ballot question; provides a temporary period for a school district that acquired property in February 2021 to apply for abatement and remission of paid taxes, penalties, and interest for that tax year, payable to the person that paid them (this provision appears to apply to Olentangy Local Schools only); and requires the state Tax Commissioner's biennial report on state tax expenditures to include information on local property tax exemptions.
- [SB 33](#), which included the provisions of [HB 123](#) that modifies community reinvestment areas (CRA) by increasing to 75% from 50% the threshold of CRA exemption that requires obtaining school district permission and increases the employee payroll threshold applicable to CRA commercial and industrial projects to \$3 million from \$1 million. It also expands the income tax deduction allowed for contributions to Ohio's 529 education savings program to include contributions to 529 programs established by other states.

A last-minute, lame-duck effort from Secretary of State **Frank LaRose** and Rep. **Brian Stewart** to increase the constitutional ballot voting threshold from 50% to 60% via [House Joint Resolution 6](#) cleared a committee but failed to garner enough support to warrant a vote on the House floor. Stewart vowed to reintroduce the proposal next year.

State Board of Education approves Title IX resolution, delays search firm selection

The State Board of Education on Monday approved a modified Title IX resolution by a 10-7 vote. The resolution, [accessible here](#), does the following:

- declares the emphatic support for Title IX and its original meaning and unequivocally opposes the proposed USDOE changes issued on July 12, 2022;
- expresses support of the Ohio Attorney General's efforts to safeguard federal nutrition assistance for students in need;
- calls upon the General Assembly to resist federal executive branch efforts to undermine Title IX's original intent and to safeguard the inalienable rights of parents, innocence of children, rights, privacy, safety, and opportunities of women and girls in schools and athletics, and local control of school districts;
- directs the acting state superintendent to issue a copy of the resolution and a cover letter with key information to all school districts within 21 days.

The State Board also voted 11-4 to delay until February of 2023 the hiring a search firm to select a Superintendent of Public Instruction, citing the legislative uncertainty regarding the future of the education agency and its governance structure.