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H.B. 151*
134th General Assembly

Bill Analysis

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Version: As Reported by Senate Primary & Secondary Education

Primary Sponsor: Rep. Jones

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SUMMARY EDUCATOR LICENSES

- Effective April 12, 2023, makes the following changes to the Ohio Teacher Residency program:
 - Specifically permits both online and in-person mentoring;
 - Requires the Department of Education to provide access to online professional development resources;
 - Provides the opportunity for online coaching to individuals who do not pass the Resident Educator Summative Assessment (RESA);
 - Prohibits the State Board of Education from limiting the number of attempts participants have to successfully complete the RESA.
- Requires districts and schools to provide one day of professional development leave for classroom teachers each year to observe a veteran teacher.
- Reduces the alternative resident educator license from four to two years (effective April 12, 2023).
- Permits the holder of an alternative resident educator license to teach preschool.

INTERSCHOLASTIC ATHLETICS

- Beginning with the school year immediately following the bill's effective date, requires each school that participates in athletic competitions or events administered by an

* This analysis was prepared before the report of the Senate Primary and Secondary Education Committee appeared in the Senate Journal. Note that the legislative history may be incomplete.

organization that regulates interscholastic athletic conferences or events to designate separate single-sex athletic teams based on the sex of the participants.

- Prohibits a state agency or political subdivision, accrediting organization, or athletic association that operates or has business activities in Ohio from taking adverse actions against a school, school district, or college or university that complies with the bill's single-sex participation requirements.
- Entitles the provisions of the bill related to interscholastic athletics as the "Save Women's Sports Act."

DETAILED ANALYSIS

EDUCATOR LICENSES

Ohio Teacher Residency Program

The bill makes changes to the three components of the Ohio Teacher Residency (OTR) program: (1) mentoring, (2) counseling, and (3) measures of appropriate progression through the program (successful completion of the Resident Educator Summative Assessment (RESA)).

Mentoring

The bill specifically permits both online and in-person mentoring to participants. It also requires the Department of Education to provide participants and mentors with no-cost access to online professional development resources and sample videos of Ohio classroom lessons submitted for the RESA.¹

Counseling

The bill requires the Department to provide to each participant who does not receive a passing score on the RESA the opportunity to meet online with an instructional coach who is a certified assessor of the RESA to review the participant's results and discuss improvement strategies and professional development. These participants must receive the training at no cost.

Participants who choose to meet with an instructional coach must select from an online pool of instructional coaches who have completed training and are approved by the Department. The characteristics of each coach's school or district, including its size, typology, and demographics, must be made available. However, participants are not required to choose an instructional coach from a similar district and school.

The bill also permits participants who have not taken the RESA to meet with Department-approved coaches if the participant's district or school pays the costs associated with the meetings.²

¹ R.C. 3319.223(A)(1).

² R.C. 3319.223(A)(2).

Measures of progression

Under administrative rule, participants are prohibited from attempting the RESA more than three times.³ The bill, however, prohibits the State Board of Education from limiting the number of attempts participants have to successfully complete the RESA.

The bill creates a window of time within which participants may submit their RESA. Participants may send their RESA submissions to the Department between the first Tuesday of October and the first Friday of April of participants' second year in the program. The results of each RESA must be returned within 30 days after submission unless a new assessor is contracted by the Department. In that case, the results of each RESA must be returned within 45 days.⁴

Professional development

The bill requires each school district and other public school, beginning the first school year after the bill's effective date, to provide one day of professional development leave each school year for each classroom teacher to observe a veteran classroom teacher. The bill excludes district superintendents, principals, assistant principals, and other administrators from the requirement.⁵

Alternative resident educator license

The bill reduces the alternative resident educator license from four to two years, effective on April 12, 2023, to comport with the reduced duration of the resident educator license and OTR program made by H.B. 442 of the 133rd General Assembly.⁶ Additionally, the bill permits the holder of an alternative resident educator license to teach preschool under that license.⁷

An alternative resident educator license is an entry-level license for a teacher who has not completed a traditional teacher preparation program, but who instead meets other specified education and testing requirements and agrees to complete other conditions while teaching under the license.

Background

The Ohio Teacher Residency program is an entry-level support program that both resident educator or alternative resident educator license holders must complete to qualify for a professional educator license. H.B. 442 of the 133rd General Assembly reduced the program from four years to two, effective on April 12, 2023.

³ Ohio Administrative Code 3301-24-04(D).

⁴ R.C. 3319.223(A)(3).

⁵ R.C. 3319.225; applies to community and STEM schools through references in R.C. 3314.03(A)(11)(d) and 3326.11.

⁶ R.C. 3319.26 and Section 4.

⁷ R.C. 3319.26(H).

INTERSCHOLASTIC ATHLETICS

Interscholastic and intercollegiate single-sex athletic teams

Beginning with the school year immediately following the bill's effective date, the bill requires each school that participates in athletic competitions or events administered by an organization that regulates interscholastic athletic conferences or events to designate athletic teams based on the sex of participants. Each school must have one single-sex team for participants of the female sex within female sports divisions, one team for participants of the male sex within male sports divisions, in which participants of the female sex may participate, and if applicable, co-ed teams for participants of both sexes within co-ed sports divisions.⁸ The bill specifically prohibits participants of the male sex from participating in female sports divisions.

Interscholastic male participants are prohibited from participating on athletic teams or in athletic competitions designated only for female participants. However participants of the female sex may participate on athletic teams or in athletic competitions designated for participants of the male sex.⁹

Verification of a participant's sex

If an athletic participant's sex is disputed, the bill requires the participant to present a copy of the participant's birth record to the school, interscholastic conference, or organization that regulates interscholastic athletics to determine the participant's sex at birth.¹⁰

Background

OHSAA – generally

Ohio law authorizes school districts to implement athletic programs and addresses some aspects of interscholastic athletics, such as the participation of nonenrolled students in district athletic programs and protocols and safeguards for sports-related head injuries. Nevertheless, interscholastic athletics are regulated largely by schools and school districts and the private Ohio High School Athletics Association (OHSAA). The OHSAA regulates and administers interscholastic athletics through its constitution and bylaws, which by their own terms must be in compliance with Ohio law.

For more on the regulation of interscholastic athletics in Ohio, see the LSC Members Brief on Interscholastic Athletics under "General Reference" and then "Publications" at <https://www.lsc.ohio.gov/>.¹¹

⁸ R.C. 3313.5317(A).

⁹ R.C. 3313.5317(B) and 3345.561(C).

¹⁰ R.C. 3313.5318(C). Also see R.C. 3705.01, not in the bill.

¹¹ <https://www.lsc.ohio.gov/documents/reference/current/membersonlybriefs/133%20Interscholastic%20Athletics.pdf>.

OHSAA transgender athlete policy

In December 2018, the OHSAA released a policy statement regarding transgender student-athlete participation in interscholastic athletics, establishing the process by which transgender students may participate in events or competition regulated by OHSAA.

First, a transgender student or the parent of a transgender student must contact the student's school administrator or athletic director indicating that the student has a consistent gender identity different than the gender assigned at birth, listed on the student's school registration records or as listed on the state birth record, and that the student desires to participate in activities in a manner consistent with the student's gender identity.

Upon receipt of the notice from the student or the parent, the administrator or director must notify the OHSAA Executive Director's Office in writing of the student's interest in participating in interscholastic athletics. The Executive Director's Office then must take one of the following actions:

1. A transgender female, whose sex at birth was male but who self-identifies and lives as a female, who is taking medically prescribed hormone treatment related to gender transition may participate on a boys' team at any time. Before a transgender female can participate in a girls' sport or on a girls' team, however, the student must either (a) have completed at least one year of hormone treatment related to gender transition or (b) demonstrate to the Executive Director's Office with sound medical evidence that the student does not possess physical or physiological advantages over genetic females of the same age group.
2. A transgender male, whose sex at birth was female but who self-identifies and lives as a male, who has not yet begun medically prescribed testosterone treatment for purposes of gender transition may participate on a boys' team. Before a transgender male can participate in a boys' sport or on a boys' team, however, the student must submit medical evidence to the Executive Director's Office that (a) the muscle mass developed as a result of testosterone treatment does not exceed the muscle mass that is typical of an adolescent genetic male, (b) the student has not started any hormone treatment (or that the treatment does not cause hormone levels to exceed normal levels), and (c) the student's hormone levels are monitored by a licensed physician every three-to-six months.

If a transgender student-athlete is undergoing hormone treatment for gender transition, the treatment must be monitored by a physician, and the Executive Director's Office must receive regular reports about the student-athlete's eligibility according to OHSAA guidelines.

Should any questions arise about whether a transgender student-athlete's request to participate in a sports activity consistent with the student-athlete's gender identity is "bona fide," the student-athlete may seek review of eligibility for participation through an appeals procedure. The first level of review is before the Gender Identity Eligibility Committee. The student-athlete must provide the Committee with current transcripts and school registration information, documentation of the student's consistent gender identification, and any other pertinent documentation or information. The Committee must apply the same standard of review as

utilized in all other eligibility appeals and must notify the parties in writing within 48 hours after reaching a decision.¹²

HISTORY

Action	Date
Introduced	02-23-21
Reported, H. Primary & Secondary Education	05-25-22
Passed House (57-30)	06-01-22
Reported, S. Primary & Secondary Education	--

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¹² <https://www.ohsaa.org/Portals/0/Eligibility/OtherEligibilityDocs/TransgenderPolicy.pdf>.