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H.B. 151
134th General Assembly

Bill Analysis

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Version: As Passed by the Senate

Primary Sponsor: Rep. Jones

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SUMMARY

TRANSFER OF STATE K-12 GOVERNANCE

- Renames the Department of Education as the Department of Education and Workforce (DEW).
- Creates the position of the Director of Education and Workforce, who is appointed by the Governor, with the advice and consent of the Senate, and is the head of DEW.
- Establishes within DEW the Division of Primary and Secondary Education and the Division of Career-Technical Education, each of which is headed by a Deputy Director appointed by the Director with the advice and consent of the Senate.
- Transfers most of the powers and duties of the State Board of Education and the Superintendent of Public Instruction to DEW.
- Retains the State Board's and state Superintendent's powers and duties regarding educator licensure, licensee disciplinary actions, school district territory transfers, and certain other areas.

WORKFORCE DEVELOPMENT

- Requires DEW to develop informational materials for seventh and eighth graders about available career opportunities.
- Requires DEW to participate in the process established to identify in-demand jobs.
- Requires the Governor to appoint the Deputy Directors to the Governor's Executive Workforce Board.

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 organization that regulates interscholastic athletic conferences or events to designate separate athletic teams for participants of the female sex.
- Explicitly prohibits participants of the male sex from participating in female sports divisions, teams, and competitions.
- Permits females to participate in male sports divisions, teams, and competitions.
- 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."

OTHER PROVISIONS

Nonchartered nonpublic school requirements

- Requires chartered nonpublic schools annually to certify compliance with the minimum education standards.

- Codifies an administrative rule that sets minimum requirements for nonchartered nonpublic schools, including hours of instruction, educational requirements for teachers and administrators, curriculum, promotion, and safety requirements.

Home education and school attendance exemption

- Excuses a child from attending school if the child is receiving home instruction in core subject areas supervised and directed by the child’s parent, instead of from a qualified person.
- In the event of cessation of proper home instruction, removes the explicit power of the school district superintendent to recall previously excused absences and the ability to pursue truancy charges.
- Prohibits the Director and Department of Education and Workforce from prescribing any new rules regarding home education or nonchartered nonpublic schools.

Discrimination based on COVID-19 vaccination status

- Prohibits public and chartered nonpublic schools from discriminating against individuals based on COVID-19 vaccination status.

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DETAILED ANALYSIS

TRANSFER OF STATE K-12 GOVERNANCE

Department of Education and Workforce

The bill renames the Department of Education as the Department of Education and Workforce (DEW). It also creates the position of Director of Education and Workforce, who is appointed by the Governor with the advice and consent of the Senate, to oversee DEW and primary and secondary education in Ohio. To that end, the bill transfers to DEW, or where applicable the Director, most of the powers and duties assigned to the State Board of Education and the Superintendent of Public Instruction.

Examples of the powers and duties transferred include:

1. Adopting minimum education standards for elementary and secondary schools, and minimum operating standards for school districts;
2. Issuing and revoking state charters to school districts, school buildings operated by districts, and nonpublic schools that elect to seek a charter;
3. Developing state academic standards and model curricula;
4. Establishing the statewide program for assessing student achievement through standardized assessments;
5. Establishing the state report card system for school districts, community schools, STEM schools, and college-preparatory boarding schools;
6. Administering state scholarship programs;
7. Performing prescribed functions regarding the creation and operation joint vocational school districts;
8. Providing oversight to, and performing functions regarding, community schools, community school sponsors, and STEM schools; and
9. Calculating and distributing all foundation funding payments.

Under the bill, the State Board and the state Superintendent retain broad powers regarding educator licensure, licensee disciplinary actions, school district territory transfers, and certain other prescribed areas. The bill transfers from the Department to the State Board any employees and assets necessary for the State Board to perform its retained powers and duties.¹

For more information about the role of the State Board and the state Superintendent under the bill, see “**State Board of Education**,” below.

Organization of the Department

Under the bill, DEW consists of the Division of Primary and Secondary Education and the Division of Career-Technical Education. Each division is headed by a Deputy Director appointed by the Director with the advice and consent of the Senate. However, the bill does not prescribe specific functions for either division.

Rather, except for those duties and powers retained by the State Board and state Superintendent, the bill vests responsibility for primary, secondary, special, and career-technical education in the Director. Under the bill, the Director may delegate duties and powers to either division as the Director determines appropriate. The Director also is responsible for adopting DEW’s administrative rules and for employing personnel to carry out the Department’s powers

¹ R.C. 3301.07 and 3301.13, and Section 9; conforming changes in numerous R.C. sections.

and duties. However, the Director does not adopt rules regarding the State Board's and state Superintendent's retained powers.

The bill expressly states that DEW is subject to all provisions of law pertaining to departments, offices, or institutions established for the exercise of any function of state government. It also subjects DEW to the Administrative Procedure Act.²

General Assembly oversight

Recession or invalidation of rule by concurrent resolution

The bill permits the General Assembly, in accordance with continuing law, to adopt a concurrent resolution to rescind or invalidate any administrative rule adopted by the Director.³

Limits on interim Director and Deputy Directors

The bill expressly prohibits any individual from holding the office of, or serving on an interim basis for more than 45 days as, Director or Deputy Director without being appointed with the advice and consent of the Senate.⁴

Presentations to the General Assembly

The bill requires that, at least once each General Assembly, the Director, Deputy Directors, and state Superintendent jointly conduct a public presentation before the House and Senate Primary and Secondary Education committees. The presentation must address the activities and accomplishments of the Department, the Department's divisions, and the State Board of Education.

The Director, Deputy Directors, and state Superintendent also must conduct additional presentations before the Primary and Secondary Education committee of either chamber upon request of the committee chair.⁵

State Board of Education

Duties and powers

As noted above, the State Board and the state Superintendent retain their duties and broad powers under continuing law regarding educator licensure, licensee disciplinary actions, and school district territory transfer determinations.⁶ In addition, they retain oversight over the teacher and school counselor evaluation systems and, the annual teacher recognition program.⁷

² R.C. 3301.13.

³ R.C. 3301.13(E)(2) and R.C. 106.042, not in the bill.

⁴ R.C. 3301.13(G).

⁵ R.C. 3301.13(H).

⁶ R.C. 3301.071, 3301.074, 3319.22 to 3319.317, 3319.361, 3319.51 and R.C. Chapter 3311, most of which are not in the bill.

⁷ R.C. 3319.111 to 3319.113. See also R.C. 3319.67, not in the bill.

Their responsibilities regarding the Educator Standards Board also are unaffected. Though, the bill does make the Director of Education and Workforce a nonvoting, ex officio member of the ESB and its subcommittees and permits the Director to have a designee act in the Director's place.⁸

The bill expressly reserves responsibility for the adoption of requirements for educator licensure and licensee disciplinary actions with the State Board, and it appears to largely exclude the Director and DEW from that process. The bill requires the State Board to adopt those requirements as rules in accordance with the Administrative Procedure Act.

Finally, the bill requires the State Board to make recommendations to the Director regarding priorities for primary and secondary education. It also requires the state Superintendent to serve as an adviser to the Director.⁹

Administration

Under current law, the Department of Education is the administrative unit through which the state Superintendent administers the policies and statutorily prescribed powers and duties of the State Board and the state Superintendent.¹⁰ With the transfer of control over the Department from the State Board to the Director, the bill establishes a separate administrative structure of the State Board and state Superintendent's powers and duties. That structure is similar to current law.

Specifically, the bill expressly states that, in accordance with the Ohio Constitution, the state Superintendent remains an appointee of the State Board. It further states that, in accordance with continuing law, the state Superintendent remains the State Board's secretary and executive officer.

The State Board remains subject to all provisions of law regarding state departments, offices, or institutions. The bill authorizes the State Board to employ personnel it determines necessary to carry out its duties and powers. Subject to the State Board's policies, rules, and regulations, the state Superintendent exercises general supervision of those employees and may appoint them, fix their salary, and terminate their employment.

Finally, the State Board may request DEW's assistance in exercising the State Board's powers and duties. To the extent the Director determines that assistance necessary and practicable, DEW must provide the requested assistance.¹¹

⁸ R.C. 3319.60 to 3319.613. See also R.C. 3319.67, not in the bill.

⁹ R.C. 3301.111(A) and (B).

¹⁰ R.C. 3301.13, repealed.

¹¹ R.C. 3301.111.

Implementation deadline

The bill requires the Director, Department, State Board, and state Superintendent to complete any action necessary to implement the transfer of powers by June 30, 2023.¹²

Background – State Board of Education

The Ohio Constitution provides that there must be a State Board of Education and a Superintendent of Public Instruction appointed by the State Board. The selection and terms of members of the State Board, as well as the powers and duties of the State Board and the Superintendent, must be prescribed by law.¹³

Under law unaffected by the bill, the voting membership of the State Board is 19 members, 11 of whom are elected from specified electoral districts (each consisting of three state Senate districts) and 8 of whom are appointed by the Governor. The chairpersons of the Senate and House Education committees serve as nonvoting ex officio members.¹⁴

WORKFORCE DEVELOPMENT

Career opportunity informational materials

The bill requires DEW to develop and make available informational materials for seventh and eighth graders about career opportunities available to them, including in-demand jobs. The materials also must address how a career-technical education may help those students satisfy state high school graduation requirements.¹⁵

In-demand jobs list

The bill requires DEW to participate in the process established under continuing law to identify in-demand jobs. Specifically, the bill adds DEW to the entities required to develop a methodology to identify in-demand jobs and to use that methodology to create an in-demand jobs list. Furthermore, it requires DEW to post the in-demand jobs list on its website.

Additionally, DEW must work with prescribed entities to conduct a survey of employers about in-demand jobs and to use the survey's results to update the in-demand jobs list. Finally, DEW must collaborate with prescribed entities to establish the OhioMeansJobs website.¹⁶

Background

Continuing law requires the Governor's Executive Workforce Board, in connection with the Department of Job and Family Services and higher education institutions, to develop a methodology for identifying in-demand jobs. The Department of Job and Family Services and

¹² Section 9(G).

¹³ Article VI, Section 4, Ohio Constitution.

¹⁴ R.C. 3301.01.

¹⁵ R.C. 3313.6020(D)(3).

¹⁶ R.C. 6301.11, 6301.111, and 6301.112.

higher education institutions, in consultation with the Board, must use that methodology to create a list of in-demand jobs, which the Department must post that list on its website.

In addition, the Governor's Office of Workforce Transformation, in conjunction with the Department of Job and Family Services, must conduct a survey of employers regarding in-demand jobs every two years and update the in-demand jobs list with the survey's results. The Office of Workforce Transformation, in collaboration with the Department of Job and Family Services and the Department of Higher Education, also must create and publish an OhioMeansJobs website that includes the in-demand jobs list.

Governor's Executive Workforce Board

The bill requires the Governor to appoint the Deputy Director of Primary and Secondary Education and the Deputy Director of Career-Technical Education to the Governor's Executive Workforce Board.¹⁷

The federal Workforce Innovation and Opportunity Act (WIOA) requires the Governor to establish a state workforce development board to carry out prescribed functions. WIOA also prescribes specific requirements for the board's composition, but it permits the Governor to appoint state agency officials responsible for education programs to it.¹⁸

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.¹⁹

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.

¹⁷ R.C. 6301.04(A)(5).

¹⁸ See 29 United States Code 3111(b)(1)(C)(iii)(II)(dd), not in the bill.

¹⁹ R.C. 3319.223(A)(1).

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.²⁰

Measures of progression

Under administrative rule, participants are prohibited from attempting the RESA more than three times.²¹ 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.²²

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.²³

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.²⁴ Additionally, the bill permits the holder of an alternative resident educator license to teach preschool under that license.²⁵

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

²⁰ R.C. 3319.223(A)(2).

²¹ Ohio Administrative Code 3301-24-04(D).

²² R.C. 3319.223(A)(3).

²³ R.C. 3319.225; applies to community and STEM schools through references in R.C. 3314.03(A)(11)(d) and 3326.11.

²⁴ R.C. 3319.26 and Section 4.

²⁵ R.C. 3319.26(H).

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 and 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.

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 separate teams for participants of the female sex within female sports divisions, teams 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.²⁶ The bill specifically prohibits participants of the male sex from participating in female sports divisions.

Male participants are prohibited from participating on athletic teams or in athletic competitions designated only for participants of the female sex. However, participants of the female sex may participate on athletic teams or in athletic competitions designated for participants of the male sex.²⁷

Under the bill, state agencies and political subdivisions, accrediting organizations, and athletic associations that operate or have business activities in Ohio are prohibited from processing a complaint, beginning an investigation, or taking any other adverse action against a school or school district for complying with the bill's single-sex participation requirements.²⁸

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

²⁶ R.C. 3313.5318(A).

²⁷ R.C. 3313.5318(B).

²⁸ R.C. 3313.5318(C).

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](https://www.lsc.ohio.gov/) which can be accessed at: <https://www.lsc.ohio.gov/>.

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.²⁹

OTHER PROVISIONS

Nonchartered nonpublic school requirements

The bill codifies an administrative rule adopted by the State Board of Education that sets requirements for nonchartered nonpublic schools. Namely, that rule (1) requires annual certification of compliance with minimum standards, (2) requires that school be open for the same number of hours as schools operated by a school district, and (3) establishes educational requirements for teachers and administrators. It also prescribes minimum curriculum, promotion, and safety requirements for those schools.

Minimum education standards

First, the bill places the responsibility for adopting minimum education standards on the Director of Education and Workforce, rather than on the State Board of Education.³⁰

The bill then requires each nonchartered nonpublic school that is not seeking a charter from the Department of Education and Workforce because of truly held religious beliefs to annually certify in a report to the parents of its students that the school meets the minimum education standards for nonchartered nonpublic schools adopted by the State Board. The school must file a copy of that report with DEW not later than September 30 of each year.³¹

Hours of instruction

Under the bill, a nonchartered nonpublic school must be open for instruction the same number of hours as schools operated by a school district, with students in attendance as follows:

1. 455 hours for students in half-day kindergarten;
2. 910 hours for students in full-day kindergarten through grade 6;
3. 1,001 hours for students in grades 7-12.³²

²⁹ [OHSAA Transgender Athlete Policy](https://www.ohsaa.org), which can be accessed at: <https://www.ohsaa.org>.

³⁰ R.C. 3301.07(D)(2).

³¹ R.C. 3301.0731(A).

³² R.C. 3301.0731(B)

Attendance requirements

The bill requires the parent to report to the student's resident school district treasurer a student's enrollment or withdrawal from a nonchartered nonpublic school. Under continuing law, these students are subject to the laws relating to compulsory education. The bill permits but does not require the nonchartered nonpublic school, as a matter of convenience, to report to the treasurer on behalf of the parents. Each attendance report must include the name, age, and place of residence of each student below 18 years of age and must be made within the first two weeks of the beginning of each school year. When a student withdraws or enrolls during the school year, that notice must be given within the first week of the next school month.³³

Teachers and administrators – educational requirements

The bill requires teachers and administrators at nonchartered nonpublic schools to hold at least a bachelor's degree, or the equivalent, from a recognized college or university.³⁴

Curriculum requirements

Under the bill each nonchartered nonpublic school must include in its curriculum the study of the following subjects:

1. Language Arts;
2. Geography, U.S. history, and national, state, and local government;
3. Mathematics;
4. Science;
5. Health;
6. Physical Education;
7. The fine arts, including music;
8. First aid, safety, and fire prevention;
9. Other subjects as determined by the school.³⁵

Grade promotion

Each chartered nonpublic school must also follow regular procedures for promotion from grade to grade for students who have met the school's educational requirements.³⁶

³³ R.C. 3301.0731(C).

³⁴ R.C. 3301.0731(D).

³⁵ R.C. 3301.0731(E).

³⁶ R.C. 3301.0731(F).

Health and safety

The bill specifies that each nonchartered nonpublic school must comply with all applicable health, fire, and safety laws.³⁷

Transportation, auxiliary services, and administrative cost reimbursement

Finally, the bill clarifies that students attending nonchartered nonpublic schools are not entitled to pupil transportation or auxiliary services nor is the nonchartered nonpublic school entitled to reimbursement for administrative costs.³⁸

Home education and school attendance

Home educator qualification

Current law authorizes a school district superintendent to excuse a child from attendance upon a satisfactory showing that the child is being instructed at home by a person qualified to teach. It also requires the filing of papers with the superintendent that show how the qualifications of the child's home educator were determined.

The bill removes those requirements and the exempting authority of the school district superintendent, and instead directly exempts from school attendance students who receive home education under the supervision and direction of a parent on requisite subject areas. Under the bill, the school district superintendent is not required to receive any proof of qualification for home educators. Rather, parents annually must file notice with the superintendent of the district of residence within five days of the start of school in the child's school district of residence. The notice must include the parent's name and address, the child's name, and an assurance that the child will receive instruction in required subjects. The superintendent must send a letter of acknowledgement upon receipt of notification.³⁹

Finally, the bill requires students that enroll in a public school following any period of home education be placed in the appropriate grade level based on the policies of the student's resident school district.⁴⁰

Home instruction cessation

Current law voids a child's excused absences for home instruction and allows the school district superintendent to recall the excuse and proceed against a child or child's parents for such absences in the event of the cessation of "proper" home instruction. The bill no longer explicitly subjects home instructed students to that provision. Thus, the bill does not directly address whether excused absences can be voided and subject to recall if proper home education ceases.

³⁷ R.C. 3301.0731(G).

³⁸ R.C. 3301.0731(G).

³⁹ R.C. 3321.042(A).

⁴⁰ R.C. 3321.042(B).

Further, the bill gives no explicit authority to the school district superintendent to proceed against a child or a child's parents for such school absences, nor does it specifically rescind that authority.⁴¹

Administrative rules

The bill prohibits the Director and Department of Education and Workforce from prescribing or adopting any new rules regarding home education or nonchartered nonpublic schools.⁴²

Discrimination based on COVID-19 vaccination status

The bill prohibits public schools (school districts, community schools, STEM schools, and college-preparatory boarding schools) and chartered nonpublic schools from discriminating against individuals based on whether or not the individual has received vaccinations against COVID-19 or whether or not the individual uses a COVID-19 immunity passport.⁴³ A COVID-19 immunity passport is defined as a document, digital record, or software application that indicates vaccination against or recovery from COVID-19.⁴⁴

The discriminatory actions prohibited by the bill include excluding, penalizing, or segregating the individual, refusing to enroll the individual, or withholding from or denying to the individual any advantage, facility, good, opportunity, privilege, or service.⁴⁵

Background

Under current law, children are required to be vaccinated, with some exceptions, against specified diseases as a condition of being admitted to school.⁴⁶ COVID-19 vaccinations are not among the vaccines required by state law.

A student does not have to be vaccinated against a disease if any of the following apply: (1) the child had measles, mumps, or chicken pox and acquired natural immunity, (2) the vaccination is medically contraindicated for the child or is not medically appropriate for the child's age, or (3) the child's parent declines vaccination for reasons of conscience, including religious convictions.⁴⁷

HISTORY

⁴¹ R.C. 3321.04(A)(2).

⁴² R.C. 3301.132.

⁴³ R.C. 3792.05.

⁴⁴ R.C. 3792.05(A)(2).

⁴⁵ R.C. 3792.05(B).

⁴⁶ R.C. 3313.671(A)(1), not in the bill.

⁴⁷ R.C. 3313.671(B), not in the bill.

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	12-14-22
Passed Senate (24-7)	12-14-22
House refused to concur in Senate amendments (46-42)	12-14-22

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