

**Diana Fessler**  
**Ohio State Board of Education, District 1**  
937-404-2577 (VM)

April 6, 2022

Dr. Kelly Kohls, President  
National School Boards Leadership Council  
4255 Nicolson Road  
Clarksville OH 45113

Dear Dr. Kohls,

You asked: Is Social Emotional Learning (SEL) required by law?

This past February, interim State Superintendent Siddens addressed the question during a slide presentation to the State Board. The entire deck is informative but Slide 9 is the one most responsive to your question. The short answer is that SEL is not required by state or federal law. Please see page 2.

However, both the state and federal governments *offer* tax dollars to schools, districts, and ESCs to incentivize them with money, to implement SEL and other programs. The carriers are state and federal grants (and corporate grants). In Ohio, Success and Wellness Funds are a source of funding – in exchange for a district agreeing to implement one or more aspects of SEL. Also, federal COVID money, and most likely, state COVID dollars, are available for SEL. To get the money, schools must agree to implement SEL. Contracts/agreements supersede state laws; therefore, even in the absence of a SEL law, SEL can be “applied” in Ohio schools, but it is a choice whether to do so. History tells us that people will do almost anything to get money.

School contracts are drafted and vetted by school attorneys before being officially signed. They don’t just show up on someone’s desk out of thin air. Presumably, boards are routinely presented with detailed financial information on contracts (and grants are contracts). Members have a fiducial duty to act in the best interest of those they serve. Carefully studying and approving grant applications and contracts, past and present, is their responsibility – a function that board members should never delegate to a superintendent or treasurer.

Treasurers are well-versed in such matters.

Sincerely,

Diana M. Fessler  
Ohio State Board of Education, District 1



# Legislative References

	Early Learning and Development Standards Birth- K Entry	Ohio's Learning Standards - Extended	English Language Proficiency Standards	K-12 Social and Emotional Learning Standards
Required in ESSA or Other Federal Law	ESSA Federal Head Start	If Alternate Assessment offered, alignment to standards required	Standards and Assessment required	None
Required in State Law	Preschool Licensing Requirements  Ohio Step Up To Quality	Standards not required; Alternate Assessment required by 3301.0711 (C)(1)(a)	Assessment required by 3301.0711(C)(3)	None



# Use of the Standards



# SEL is a *funded un-mandate* in Ohio.

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**funded** means: Over \$3 billion of state money spent on Social Emotional Learning (SEL) (2).

**un-mandate** means: SEL is NOT required by law.



State Board of Education

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Department of Education (3)

Legend: (1) <https://education.ohio.gov/Topics/.../Social-and-Emotional-Learning-Standards>, (2) in 4 years <https://www.isc.ohio.gov/pages/budget/>  
 (3) Report to state board of education by state superintendent on 2/15/22 <http://public.education.ohio.gov/StateBoardBooks/2022...February...Report...2022.pdf> Creator: K.Hill