

Senate House Bill 33 Omnibus Provisions (Passed by Senate)

K-12 Education

School Funding

- Allows a county auditor to submit, within 15 days after the provision's effective date, certain corrected school district property tax information for the 2021 tax year and requires the Department of Education and Workforce to use that information to compute state foundation aid for the district.

Powers and Duties of State Board of Education (SBOE)/Department of Education and Workforce (DEW)

- Explicitly states that the DEW Director exercises general supervision of department employees and may appoint, determine salaries, and terminate their employment.
- Transfers to the DEW Director powers regarding the dissolution of ESCs and the division of territory of certain ESCs into subdistricts.

Vouchers

- Eliminates the requirement for a private school to waive additional tuition above the voucher amount for a student with a family income at or below 200% of the poverty level participating in EdChoice or the Cleveland voucher program.
- Eliminates the priority order for awarding EdChoice expansion scholarships if the number of eligible students who apply exceeds the scholarships available based on the appropriation.
- Delays the application deadline for receiving the full amount of an EdChoice or Cleveland voucher from July 1 to October 15. The Department shall prorate voucher amounts for applications submitted after the deadline.
- Increases category amounts and maximum amounts for Jon Peterson voucher and increases appropriation by \$9 million.
- Alters the sliding scale of voucher amounts for new students receiving the income based EdChoice voucher with family incomes above 450% of poverty to be based on brackets rather than a logarithmic function.
- Permits students residing in the Cleveland Municipal School District to use the Cleveland voucher to attend any private school without location restrictions in current law.

Lorain City Schools Fully Released from State Takeover Status

- Dissolves the Lorain City School District (Lorain CSD) academic distress commission (ADC) and academic improvement plan immediately upon the effective date of HB 33 (policy provisions effective 90 days after Governor signs bill).

Licensure Grade Bands

- Maintains professional licensure grade band change to preK-8 and 6-12 (current grade bands are preK-5, 4-9, or 7-12), but also permits a school district or charter schools to employ an educator to teach not more than two grade levels outside of the grade band designated on the educator's license for not more than two school years at a time, subject to renewal.

Free Application for Federal Student Aid (FAFSA)

- Reinstates provision of the Executive budget proposal that requires students to complete FAFSA to qualify for a high school diploma. This is subject to parental opt out or the district stating why it is impossible or impracticable for the student to do so.
- Requires the Chancellor to establish a statewide system of FAFSA support teams to support school districts, community schools, and STEM schools with FAFSA completion and college access programming.

Student Transportation

- Prohibits bus operators from delivering students “late to school,” which also counts as a noncompliance penalty.
- Modifies a Senate provision to add as a noncompliance penalty, students who are scheduled to be transported to and from school by a school bus but are not transported by school bus at all “due to the failure of the school bus to arrive.”
- Removes a prior Senate provision requiring noncompliant districts to submit a remediation plan to the Department of Education and Workforce (DEW).
- Maintains the Senate provision requiring DEW to withhold transportation payments from noncompliant districts.
- Requires DEW to disburse the daily amount of transportation payment on a per-pupil basis to the district in which the pupil is enrolled, rather than directly to the parent whose child did not receive proper transportation and requires districts (rather than DEW) to remit those payments to parents whose children failed to receive proper transportation.
- Requires DEW to resolve any disputes over determinations regarding transportation noncompliance received after Dec. 1, 2023, within 30 days of receiving notice of the dispute, or within 45 days if DEW notifies all affected parties in advance that the determination will be delayed.
- Requires DEW to take initial action on mediation regarding declarations of impracticality to provide transportation received after Dec. 1, 2023, within 30 days of receiving the request for mediation, or within 45 days if the DEW notifies all affected parties in advance of the delay.
- Requires DEW, by Dec. 1, 2023, to process and resolve any disputes that are pending on the bill's effective date regarding declarations of impracticality to provide transportation

and determinations regarding school district noncompliance with transportation obligations.

- Prohibits school districts from changing their school schedule, unless it receives approval to do so from each JVSD, community school, and private school whose students the district transports.
- Requires districts providing transportation to the greatest number of students at a community or providing school to coordinate school hours with the different districts transporting that school's students.
- Requires each community school and private school to do the following:
 1. By April 1 annually, (a) establish the school day start and end times for the upcoming school year and provide such times to each school district expected to be responsible for providing transportation services to the school's students and (b) provide the school's contact names, phone numbers, and email addresses for the summer and upcoming school year and the home addresses of enrolled students to each school district expected to be responsible for providing transportation services to the school's students;
 2. Send lists of students requiring school district transportation to the appropriate school districts on the first day of May, July, September, December, March, and June.
- Requires each school district that receives the school day start and end times from a community school or private school to provide the school district's transportation routes and schedules to those schools by August 1 annually.
- Requires the following safety measures whenever a nine-passenger or less vehicle is used for pupil transportation: (1) twice-annual inspections by a qualified mechanic; (2) the vehicle's driver does not stop on the roadway to load or unload passengers; and (3) the driver and passengers comply with seat belt and child restraint laws.
- Requires the following safety measures, in addition to the general requirements for school drivers, whenever a nine-passenger or less vehicle is used for pupil transportation (for either a school district, charter nonpublic school, or community school):
 - A qualified mechanic inspects the vehicle at least twice a year to determine that it is safe for pupil transportation.
 - The driver of the vehicle does not stop on the roadway to load or unload passengers.
 - The driver and all passengers in the vehicle comply with the seat belt and child restraint system laws.

Career-Technical Education Districts

- Allows 2 or more school districts to form a career-technical cooperative district as a model under which school districts may provide career education to students in grades 7-12.

- Requires an education district to be governed by a board of directors composed of the superintendents of member districts.
- Requires the board of directors to provide for the hiring of employees and to contract with one or more entities, including a school district that is part of the agreement, and educational service center, or a state institution of higher education to provide career-technical services.
- Requires the education agreement to provide for which services will be provided by employees of member districts and which services will be provided by the career-technical cooperative education district.
- Requires a statement on how transportation of students to and from the district's facilities will be provided in the career-technical education district.
- Authorizes the newly created education district to levy property taxes in the district of up to 3 mills.

Other

- Requires each school district to provide, directly or through a vendor, academic intervention services, free of cost, to any student that demonstrates a limited level of skill on a state assessment in math, science, or English language arts. Requires DEW to track and monitor whether students receiving those services are making academic progress. Requires DEW to annually report about the schools that are providing intervention services to students.
- Includes provisions of House Bill 146 (Rep. Bird) to establish a contribution-based benefit cap (CBBC) for retirements under the School Employees Retirement System (SERS). This is an anti-spiking provision requested by the SERS Board. It would take effect August 1, 2024.
- Requires individual student performance data reports to be made available to districts and schools that have an overall value-added progress dimension score calculated on the state report card. State and federal student privacy laws apply.
- Establishes the Dropout Prevention and Recovery Advisory Council to provide a forum for communication and collaboration between DEW and parties involved in the establishment and operation of DOPR community schools.
- Requires the state report card for an online high school operated by a school district or an internet- or computer-based community school to include a modified graduation rate calculated in the same manner as the four-year adjusted cohort rate, except that it must only include students who are in the 12th grade and have earned at least 15 high school credits when enrolling in the school.
- Decreases by \$992,541 the FY 2025 earmark in GRF for the Ohio Educational Computer Network.
- Exempts a qualifying public or chartered nonpublic school from the bill's requirements to accept cash payments for tickets and concessions at a school- or institution-affiliated

event if the event is conducted at a public facility that is leased by a professional sports team or a privately owned facility.

Higher Education

SB 83 (Please note that some provisions have been further modified from the as passed provisions)

Prohibition on Striking and Collective Bargaining Subjects

- Prohibits higher education employees from striking.
- Specifies that tenure, faculty evaluations and retrenchment are not appropriate subjects for collective bargaining agreements entered on or after the effective date of the section.

Retrenchment and Tenure

- Defines retrenchment as “a process by which a state institution of higher education reduces programs or services, thus resulting in a temporary suspension or permanent separation of one or more institution faculty, to account for a reduction in student population or overall funding, a change to institutional missions or programs, or other fiscal pressures or emergencies facing the institution.”
- Requires each state institution of higher education board of trustees to develop policies on tenure and retrenchment, submit these policies to the Chancellor, and update these policies every five years.

DEI and Intellectual Diversity Policy

- Prohibits any mandatory programs or training courses regarding DEI, except that a state institution may report an exemption if such a program or course is required. The following are exceptions to the ban on DEI:
 - Comply with state and federal laws or regulations.
 - Comply with professional licensure requirements.
 - Obtain or retain accreditation.
 - Secure or retain grants or cooperative agreements.
 - Apply policies of the state institution of higher education with respect to employee or student discipline.
- Requires prior to the initial offering of a diversity, equity, and inclusion program or training course, a state institution of higher education to provide a written report to the Chancellor of Higher Education explaining why that program or course qualifies for an exemption.
- Requires at least once every six months, the Chancellor shall prepare a report that summarizes all DEI exemption and submit the report to the chairs of the standing

committees of the Senate and the House of Representatives that consider higher education legislation.

- Requires state institutions of higher education to adopt and enforce a policy requiring the institution to:
 - Affirm and declare a primary function to the pursuit of knowledge.
 - Affirm and declare that the institution will ensure full intellectual diversity.
 - Demonstrate intellectual diversity for course approval, approval of general education courses, student course evaluations, common reading programs, annual reviews, strategic goals for each department, and student learning outcomes.
 - Seek out invited speakers who have diverse ideological and political views.
 - Post a complete list of all speaker fees, honoraria, and other emoluments more than \$500 that are sponsored by the state institution prominently on its website.
- Requires each state institution's policy to affirm and declare that the state institution will not:
 - Endorse or oppose, as an institution, any controversial beliefs or policies, specified concepts, or specified ideologies.
 - Influence or require students, faculty, or administrators to endorse or express a given ideology, political stance, or view of a social policy.
 - Require a student to endorse or express a given ideology, political stance, or view to obtain an undergraduate or post-graduate degree.
 - Use political and ideological litmus tests in any hiring, promotion, and admissions decisions, including diversity statements and other requirements that applicants describe commitment to a specified concept, specified ideology, or controversial belief.
 - Influence or require students, faculty, or administrators to endorse or express a given ideology or political stance in any hiring, promotion, or admissions process or decision.
 - Use a diversity statement or any other assessment of an applicant's political or ideological views in any hiring, promotions, or admissions process or decision.
 - Influence or require students, faculty, or administrators to endorse or express a given ideology or political stance in any process or decision regulating conditions of work or study.
- Requires state institutions to establish a process by which a student, student group, or faculty member may submit complaints about alleged violations of the state institution's policy.

Intellectual diversity protections and disciplinary sanctions

- Requires each state institution to do all of the following:

- Implement a range of disciplinary sanctions for any administrator, faculty member, staff, or student who interferes with the intellectual diversity rights of another.
- Inform all students and employees of their intellectual diversity protections and any applicable policies adopted by the state institution to put the protections into practice.
- Issue and post to its website an annual report on any violations of intellectual diversity rights and resulting disciplinary sanctions.

Policies on Equal Opportunity

- Requires state institutions to do both of the following regarding every position, policy, program, and activity to treat all faculty, staff, and students as individuals:
 - Hold all individuals to equal standards and provide every individual with equality of opportunity regarding those individuals' race, ethnicity, religion, or sex.
 - Provide no advantage or disadvantage to faculty, staff, or students based on race, ethnicity, religion, or sex in admissions, hiring, promotion, awarding tenure, or workplace conditions.

Prohibitions on Support and Training for Certain Concepts

- Prohibits state institutions from providing or requiring training for any administrator, teacher, or staff member that advocates or promotes certain prescribed concepts regarding race and sex.
- Requires state institutions to implement a range of disciplinary sanctions for any administrator, teacher, staff member, or employee who authorizes or engages in a training that violates the above prohibitions.
- Requires state institutions to issue and post on their websites an annual report regarding violations of the above prohibitions, resulting disciplinary sanctions, and statistics on the academic qualifications of accepted and matriculating students, disaggregated by race and sex.
- Requires state institutions to establish a process by which a student, student group, or faculty member may submit complaints about alleged violations of the state institution's policy.

Faculty Evaluations

- Requires ODHE to develop a minimum set of standard questions to be used in student evaluations of faculty, including a question about whether a faculty member creates a classroom atmosphere free of bias.
- Requires each state institution of higher education to do the following:
 - Establish a written system of faculty evaluations completed by (a) students, that uses the questions developed by ODHE, and (b) faculty peers, with a focus on

professional development related to the faculty member's teaching responsibilities.

- Conduct an annual evaluation for each full-time faculty member.
- Requires the student evaluation to count for at least twenty-five percent of the teaching area component of the evaluation.
- Adopt and, every five years, submit to the Chancellor policies on faculty annual performance evaluations, and for those with tenured faculty; tenure, post-tenure review, and retrenchment. Requires these policies to contain an appeals process for faculty.

Syllabus Requirements

- Requires each higher education institution to either post a syllabus for each undergraduate course offered for college credit on its website or ensure that each course instructor posts the syllabus on a publicly accessible website that has specified information about the instructor and each syllabus the instructor is teaching.
- Permits a community, state community, or technical college, in lieu of posting a syllabus for a course it offers for college credit to post a general syllabus for a course that does not include any information regarding a course instructor.
- Requires each state institution and the Chancellor to prepare reports regarding syllabus posting requirements.

Faculty Workload

- Requires each state institution to adopt a faculty workload policy consistent with standards adopted by Chancellor, review and update its policy on faculty tenure, and update its faculty workload policy every five years.
- Requires faculty workload policies to have a teaching workload expectation based on credit hours, a definition of all workload elements in terms of credit hours, and a full-time minimum standards established by the board of trustees. This information is required to be publicly available on the state institution's website.

Segregation Prohibition

- Requires state institutions to prohibit all policies designed to explicitly segregate faculty, staff, or students based on those individuals' race, ethnicity, religion, or sex in credit-earning classroom settings, formal orientation ceremonies, and formal graduation ceremonies.

American Government/History Requirement

- Requires the Chancellor of Higher Education to develop a 3-credit hour course in the subject of American government or American history with mandatory reading assignments. Beginning in the 2028-2029 academic year, requires state institutions to

require all students seeking a bachelor's degree to take the course or receive an exemption.

Board of Trustee Training and Terms

- Requires the Chancellor to develop and provide annual training to the board of trustees of each state institution.
- Changes the terms of office to four years for all non-student trustees at state universities who are appointed by the Governor on or after January 1, 2024.

Three-year bachelor's degree Study

- Requires the Department of Higher Education to conduct a study on the feasibility of implementing three-year bachelor's degree programs in Ohio.

Five -year Institutional Cost Summaries

- Requires state institutions to submit to the Chancellor a rolling five-year summary of institutional cost to be considered by the Ohio General Assembly when evaluating operating and capital funding for each biennial operating appropriations bill and capital appropriations bill.

Interactions with the People's Republic of China

- Prohibits state institutions from accepting gifts, donations, or contributions from the People's Republic of China or any organization that the institution suspects is acting on behalf of the People's Republic of China.
- Prohibits state institutions from entering new or renewed academic partnerships with an academic or research institution located in China unless the state institution maintains sufficient structural safeguards to protect the state's institution's intellectual property, the security of Ohio, and national security interests.

Funding and Financial Aid

- Restores funding to the as passed by the House version of the bill for community colleges (1.5% increase over Senate Substitute bill in each FY).
- Modifies the Senate substitute version by increasing, from an expected family contribution (EFC) of \$3,000 or less to \$3,750 or less, the income eligibility threshold for an OCOG award.
- Prohibits an institution of higher education that enrolls students participating in OCOG from making changes to its scholarship or financial aid programs with the goal or net effect of shifting the cost burden of those programs to OCOG.
- Requires each institution to provide at least the same level of needs-based financial aid to its students as in the immediately prior academic year in terms of either aggregate aid or on per student basis; and

- Permits the Chancellor of Higher Education to grant an institution a temporary waiver from the requirement to provide the same level of needs-based financial aid if exceptional circumstances make it necessary.

College Trustees

- Permits a member of a technical college, community college, or state community college board of trustees whose term has expired to continue in office until the trustee's successor takes office.
- States that for technical college, community college, and state community college boards of trustees, a majority of the sitting board members at the time of a meeting constitutes a quorum.

Technical College Board of Trustees

- Beginning with trustees appointed on or after January 1, 2024, transfers appointing power for technical college boards of trustees from school district boards of education to a trustee selection committee selected by the technical college board of trustee's executive committee.
- Requires a trustee selection committee to consist of either three or five members who are local business, civic, or nonprofit leaders who are not current sitting members of the technical college's board of trustees.
- Permits a trustee selection committee to select new trustees from individuals nominated by the current board of trustees or from other applicants. Does all the following regarding trustees appointed by a trustee selection committee:
 - Requires, to the greatest extent possible, trustees to be individuals who hold leadership positions within significant industries in the technical college district.
 - Requires trustees to reside within the technical college district.
 - Requires trustees to be appointed with the advice and consent of the Ohio Senate.
 - Sets the terms of office for three years.
 - Requires the initial appointment of a trustee not appointed by the governor during the expansion of a technical college district to be made by the technical college board of trustees' selection committee.

Other

- Establishes the Salmon P. Chase Center at the Ohio State University and the Institute of American Constitutional Thought and Leadership at the University of Toledo Law School. Appropriates \$12 million over the biennium for these centers (SB 117).
- Retains current law exception for a state institution of higher education's rules from review by Joint Committee on Agency Rule Review (JCARR).

- Prohibits state universities from requiring students to live in on-campus housing, except for first-year students who live more than 25 miles away from campus.
- Removes a provision from the substitute bill that requires state institutions of higher education to permit an individual to pay cash for a ticket to an event or activity the school conducts, sponsors, or participates in for which the school charges admission.
- Removes the bill's requirement that a board of trustees of a state institution of higher education, when reviewing its practices regarding transcript withholding, rely on documentation from the Attorney General only when considering and evaluating the collection rate on overdue balances resulting from transcript withholding.

Developmental Disabilities

- Permits county boards of developmental disabilities to establish policies that allow board members to attend meetings of the county board via means of electronic communication.
- Specifies that a board member who attends a meeting via means of electronic communication is considered present at the meeting, is counted for purposes of establishing a quorum, and may vote at the meeting.

Taxes

- Combines the House and Senate income tax policy proposals by consolidating the lower two brackets effective for tax year 2023 and for tax year 2024 reduces the number of tax brackets to two of 2.75 percent and 3.5 percent.
- Increases the amount of surplus revenue required at the end of a fiscal year to trigger a sales tax holiday beginning, after FY 2024, from \$50 million to \$60 million.
- Requires the Tax Commissioner to provide notice of sales tax holiday no later than the first day of June preceding the holiday.
- Requires the Department of Taxation and the Office of Budget and Management to consult with the County Commissioners' Association of Ohio when determining the length of a sales tax holiday.