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OHIO ALLIANCE FOR ARTS EDUCATION

Arts Online Newsletter Week of March 4, 2024

135th OHIO GENERAL ASSEMBLY

The Ohio Senate approves appointments, education bills, and appropriations

The Ohio Senate met on February 28, 2024 and passed a number of bills, **including three education-related bills and one bill that included $1.4 billion in capital appropriations.**
Ohio Channel, Ohio Senate Meeting, February 28, 2024 HERE.

The Senate **also approved, along party lines, appointments to an academic council for the new Miami University Center for Civics, Culture, and Society**. The new council members are Ryan Barilleaux, Miami University; Thomas Cleveland, American Political Tradition Project at the Jack Miller Center; Donald Crain, Frost Todd LLC; Gary Gregg II, McConnell Center at the University of Louisville; Dennis Lieberman, Flanagan, Lieberman & Rambo; Jeffrey Sikkenga, Ashbrook Center at Ashland University; and Bradley Smith, Josiah H. BlackmoreII/Shirley M. Nault Designated Professor of Law at Capital University Law School.

The Miami center is one of five "intellectual diversity centers" proposed by Senators Jerry Cirino and Rob McColley in Senate Bill 117 (May 3, 2023). **The purpose of the centers is to counter what some lawmakers perceive to be a liberal bias on Ohio university campuses and provide more ideological perspectives.**

During hearings on SB117, **most of the witnesses opposed the bill, saying that it is unprecedented for politicians to mandate** academic units at Ohio's public universities; the centers duplicate and will compete against established programs; and the centers create administrative and budgetary challenges for universities in the future. HERE.

The center proposal was later amended into House Bill 33, the FY24-25 Operating Budget (Jay Edwards), which was signed into law on July 4, 2023. About $24 million was also appropriated in HB33 to support the centers, but those funds only support the centers for two years. Future general assemblies will need to approve appropriations to support the centers or the responsibility to fund the centers will fall to the universities.

Last October the Senate approved appointments to the academic councils for two of the centers, the Institute of American Constitutional Thought and Leadership at the University of Toledo (UT) and the

Salmon P. Chase Center for Civics, Culture and Society at Ohio State University (OSU). The other centers are at Wright State University (Enacted in HB101) and Cleveland State University (CSU).

The Senate also unanimously approved Governor DeWine's appointments to various boards of trustees at state institutions of higher education.

The Ohio Senate approves education-related bills

- **HB27 Colleges – Financial Cost Disclosure Forms/Capital Appropriations** (Adam Mathews and Jim Thomas): The Senate approved HB27 by a vote of 30 to 2, with Senators Catherine Ingram and Niraj Antani opposing the bill.

HB27 **requires public institutions of higher education to provide information to students about** fees; the cost of room and board; the aggregate cost of attendance; expected monthly loan repayment upon graduation based on federal student loans; income ranges for the state's most recent graduating class and the class that graduated five years ago; and income ranges for a particular major.

Before approving the bill, the Senate **amended the bill to include $1.4 billion in capital appropriations:**

- $600 million for Ohio School Building Assistance Fund
- $575 million for public works
- $196 million for state fair improvements requested by Governor Mike DeWine
- $38 million to fully fund the Ohio Adoption Grant Program

Senator Rob McColley spoke in favor of the amendment, saying that it was necessary to pass a bill with these appropriations before the end of March so that the funds are available to use at the beginning of fiscal year 2025 on July 1, 2024. He noted that **House Bill 2 (Cutrona and Upchurch), passed by the House on February 7, 2024, contains some of the same appropriations, but the Senate didn't have enough time to consider HB2.** The Senate expects to take action on a separate capital bill in April, which will also include funds for capital improvements paid for by bonds.

Sub. HB27 will now go back to the Ohio House for concurrence, but that **might be interesting, because the House is not scheduled to meet in session again until April 10, 2024, while HB27 needs to be approved by March 31st, if funds are to be available** for projects on July 1, 2024, the beginning of fiscal year 2025.

For its own part, **the House approved its own capital bill on February 7, 2024 Sub. House Bill 2** (Cutrona and Upchurch), which **includes $2 billion in one-time strategic investments and capital appropriations.** Some of the appropriations are similar to those included by the Senate in HB27. Senate President Matt Huffman told the press when House Bill 2 was approved that **the Senate needed more time to understand what is in House Bill 2, because the House fast-tracked it,** without adequate debate or negotiations with the Senate. HERE.

Last week *Cleveland.com* reported that Pat Melton, a spokesperson for the GOP in the House, said that the **House will not concur with the Senate amendments to HB27**. HERE.

- **SB104 College Credit Plus** (Jerry Cirino and Andy Brenner): The Senate approved SB104 by a vote of 32 to 0.

Under ORC Chapter 3365 the Ohio General Assembly created the College Credit Plus program (CCP), which **allows students in grades 7-12, who are enrolled in public or nonpublic high schools or who are educated at home, to enroll in nonsectarian college courses to receive high school and college credit**. CCP courses may be taken at any state institution of higher education or participating private institution of higher education.

SB104 updates sections in law regarding student application deadlines; school and college requirements; state requirements; Auditor of State report; state report card; and annual report.

A detailed analysis of SB104 is included under the **Senate Workforce and Education Committee** report below.

The Senate concurs with House Amendments to Am. SB17

- **SB17 Financial Literacy-Capitalism (Steve Wilson):** The Senate also concurred with House amendments to SB17 by a vote of 32 – 0.

SB17 incorporates free market capitalism content into the high school financial literacy and entrepreneurship standards and model curriculum, including a list of ten topics to be taught, including "Societies that embrace the free market often embrace political and personal freedom as well." HERE.

House **Democrats opposed SB17 saying that the concepts that promote capitalism are already being taught in history or political sciences courses, and that adding political and historical concepts would dilute the practical money management focus of the current financial literacy standards**. They also noted that the financial literacy standards already include too many topics for a course that is only half of a semester.

SB17 now moves to the governor to sign into law.

Hearings held last week

The Senate Education Committee, chaired by Senator Andy Brenner, met on February 27, 2024 and considered the following bills:

- **-SB208 Open Enrollment-Military Children Exception (Kristina Roegner):** To require a city, exempted village, or local school district to include in its open enrollment policy an exception for military children.

Senator Roegner presented sponsor testimony on SB208, which **requires school districts to create an exception in their open enrollment policies to allow the children of military families to enroll in any school in the district, if the school has the capacity**.

Senator Roegner noted that military families are often restricted in where they can live, and might not have access to the public school of their choice. If a school district has an open enrollment policy, the school district would be required to accept children of military families, if the school district has the capacity.

According to Senator Roegner, SB208 would "…provide military families with stability" and improve the education options for their children.

Senator Brenner asked Senator Roegner if she knew anyone or organization that would oppose the bill? Senator Roegner said that she did not know, but Senator Catherine Ingram proposed that families in a community who currently cannot open enroll into a particular school district might oppose the bill, thinking it unfair.

Senators O'Brien and Reynolds thanked Senator Roegner for introducing the bill and supporting military families.

- **HB250 Military Enlistment Diploma Seal (Jessica Miranda and Tracy Richardson):** To revise the Military Enlistment diploma seal.

Without objection, the committee agreed to amend the bill. The Legislative Service Commission offered a technical amendment to make changes in the bill to conform with changes in the law that occurred when HB33, the FY24-25 Operating Budget became effective. No other changes were made in the bill. There was no testimony.

- **HB147 Teacher Licensure Revocation, Hiring Practices, Conduct (Sarah Fowler Arthur and Adam Miller)**:

Representative Sarah Fowler Arthur presented sponsor testimony, noting that in the 134th General Assembly the Ohio House approved a similar bill, HB403, by a bipartisan vote, but the bill was not approved by the Senate.

HB147 closes a loophole in current law that occurs if a teacher has been placed under investigation for alleged misconduct and then retires.

In current law, if a teacher is placed under investigation for alleged misconduct and resigns, the discipline process continues until the alleged issue has been resolved one way or the other.

However, **if a teacher retires, the misconduct process stops, and the teacher's record is cleared. The teacher could then be rehired by another district, which would be unaware of the alleged charges.**

HB147 closes this loophole, by continuing the process until the alleged issue is resolved.

Representative Fowler Arthur also explained that at the request of the Ohio Department of Education and Workforce, the bill also includes an expanded list of individuals licensed by other state agencies, who must also register with the Ohio Department of Education and Workforce. These include individuals who work as school social workers, nurses, physical therapists, and speech-language pathologists.

- **HB214 School Policy on Staff Speech (Adam Holmes):** To require each public school to adopt a policy regarding certain expectations related to the performance of staff member professional duties.

Written proponent testimony was submitted by Amber Dittmar, Tri-Valley Local School District; Mark Neal, the Superintendent of the Tri-Valley Local School District, and Amy Kissinger, Ohio School Board

Constitutional Coalition, which is a coalition of school board members, educational professionals and parent groups that is focusing on a "back to basics" education agenda.

According to the testimony, the witnesses believe that the current climate in the nation has made educators more fearful about expressing their own ideologies and political beliefs, fearing some kind of retaliation.

Amber Dittmar wrote that the bill is necessary to ensure that classrooms welcome the exchange of ideas and viewpoints and students and educators are free to "…endorse ideologies, political movements or social action without fear of ramifications. Or in the transverse, not forced to adopt tenets contrary to our conscience for fear of losing our position, obtaining a poor job rating, or being passed by for another educational opportunity."

Mark Neal, who is the superintendent of the Tri-Valley Local School District, also wrote that the "…State has slowly usurped local power by mandating a centralized teacher evaluation system, social-emotional wellness programs, social inclusion training, suicide prevention, and mental health curriculum through 'ODE Approved Vendors.'"

He also said that most of the parents in his district "…are not the least bit interested in the State Report Card ratings. They are tired of hearing about equity, race, and gender. They are interested in ACT, not PBIS."

According to his testimony, "The latest strategy for foisting these social programs on school districts is by mandating that they utilize "approved vendors" and "evidence based" programs that are completely filled with DEI and race-based content."

According to the testimony of Amy Kissinger, HB214 provides "…specific protection for free speech rights for public school employees, students and job applicants," and also begins "…the important work of restoring the trust of parents and community in our public schools."

Senator Catherine Ingram asked Senator Brenner if there would be an opportunity to discuss the bill, because the written testimony was "interesting", and she would like the opportunity to ask the authors some questions.

Senator Brenner said that there would be other hearings on the bill to receive opponent and "all" testimony.

- **SB205 School Instruction – Harm of Substances** (Mark Johnson): The bill **would include the following:**

  - Requires annual instruction in the harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco provided under a school district's health curriculum to be given annually, be developmentally appropriate, and include information on the harmful effects of the use of illicit exogenous substances.

  - Requires annual instruction in the harmful effects of and legal restrictions against the use of drugs of abuse to include instruction regarding marijuana.

  - Requires the Department of Education and Workforce to collaborate with the Department of Mental Health and Addiction Services to review available resources and develop a list of

evidence-based curricula, materials, programs, and instructional strategies related to the required health curriculum.

- Requires the Department of Education and Workforce to conduct a survey on school district compliance with the required health curriculum.

Written proponent testimony was submitted by Susan Shultz, Executive Director of the ADAMHS Board of Adams, Lawrence, Scioto Counties; Liz Henrich, Ohio Association of County Behavioral Health Authorities; Deanna Vietze, Brown County Board of Mental Health & Addiction Services; and Ori Yardeni, Life Changing Experiences.

Proponents cited frightening statistics about the widespread increase in the use of tobacco, alcohol, and drugs by students, some as young as 11 years old, in Adams, Lawrence, and Scioto counties and statewide.

They support providing annual instruction in prevention education, because county boards don't have sufficient funds to place prevention programs in all schools.

They also recommend targeting younger children earlier, because young children are starting to experiment with drugs earlier.

According to Liz Henrich, Associate Chief Executive Officer Ohio Association of County Behavioral Health Authorities, "We know that prevention, education, and early intervention strategies can reduce the impact of substance use and mental disorders in communities. Many prevention programs and professionals in communities throughout Ohio have worked diligently to ensure that youth, family members, and organizations that engage with youth have the information and materials they need to provide education with the aim of reducing underage drinking and substance use."

Source: **Ohio Senate Education Committee**, February 27, 2024 HERE.

Source: **The Ohio Channel, Ohio Senate Education Committee**, February 27, 2024 HERE.

The Senate Workforce and Higher Education Committee, chaired by Senator Cirino, met on February 28, 2024.

The committee approved a list of appointments to various institutions of higher education by Governor Mike DeWine.

The committee also **approved appointments to the academic council for the new Miami University Center for Civics, Culture and Society** made by the Miami Board of Trustees. This is one of five centers that were proposed by Senators Cirino and McColley in Senate Bill 117, and were later included in House Bill 33, the FY24-25 Operating Budget (Jay Edwards).

The appointees are Ryan Barilleaux, Miami University; Thomas Cleveland, American Political Tradition Project at the Jack Miller Center; Donald Crain, Frost Todd LLC; Gary Gregg II, McConnell Center at the University of Louisville; Dennis Lieberman, Flanagan, Lieberman & Rambo; Jeffrey Sikkenga, Ashbrook Center at Ashland University; and Bradley Smith, Josiah H. BlackmoreII/Shirley M. Nault Designated Professor of Law at Capital University Law School.

Ranking Member Senator Catherine Ingram voted against the appointments.

- **HB27 Colleges – Financial Disclosure Forms** (Adam Matthews and Jim Thomas): To require state institutions of higher education to provide incoming students with financial cost and aid disclosure forms.

The committee accepted an amendment without objection. Vice Chair Rulli explained that the amendment clarifies that financial cost and aid disclosure forms are permitted to be sent out electronically, and if a university already sends out a form that meets the requirements set by the bill, that existing form can be approved by the Ohio Department of Higher Education chancellor.

The committee then reported HB27 favorably, but Ranking Member Senator Catherine Ingram voted no.

- **SB104 Regarding College Credit Plus (Jerry Cirino and Andy Brenner):** Under ORC Chapter 3365 the Ohio General Assembly created the College Credit Plus program (CCP), which **allows students in grades 7-12 who are enrolled in public or nonpublic high schools or who are educated at home to enroll in nonsectarian college courses to receive high school and college credit.** CCP courses may be taken at any state institution of higher education or participating private institution of higher education.

The committee accepted a **substitute bill and reported the bill out favorably. The substitute bill does the following:**

- Adds November 1 as a second date for students to sign up for the program if they missed the initial April 1 deadline. Students who submit by April 1 will be approved to participate for the full academic year, while students who missed this deadline must meet the November 1 deadline, and will be able to participate in CCP the following semester.

- Removes the proposed 50-50 cost share on textbooks and maintains the procedure that is in current law.

- Removes previously proposed language regarding open-source materials and modifies the alternative credentialing proposal to give ODHE sufficient time to develop the alternative pathway and ensure HLC accreditation.

SB104 revises the operations of CCP in the following ways:

Student Application Deadlines: Section 3365.03(A)(1)(03): Adds the option for a student or a student's parent to inform the student's school of the student's intent to participate in CCP in the next semester by November 1 preceding that semester. Current law requires a student or parent to notify the school by April 1st of the intent to participate in the next school year.

School and college requirements

- CCP forms: Section 3365.04(H): Requires public or chartered nonpublic school to use CCP forms developed by the Chancellor and the Department, and prohibits the forms to be changed.

- Orientation: Section 3365.05(I): Requires each state and participating private institution of higher education to provide CCP students with a mandatory orientation that meets guidelines issued by the Chancellor and the Department. The Chancellor and the Department must make those guidelines as concise as practicable.

State Requirements

- Alternative instructor credentialing: Section 3365.11(B): Requires the Chancellor to establish an alternative credentialing process to certify instructors with relevant teaching experience as CCP instructors. The Chancellor must establish the alternative credentialing process within six months of the bill's effective date. Current law already requires the Chancellor to establish credential requirements to teach under CCP. Generally a teacher must have a master's degree or a master's plus 18 graduate semesters hours in a discipline to teach a CCP course. HERE https://highered.ohio.gov/initiatives/access-acceleration/college-credit-plus/ccp-resources-secondary-schools/ccp-secondary-teacher-credentialing/ccp-teacher-credentialing

- Monitoring and compliance: Section 3365.14(A): Requires the Chancellor, in consultation with the Department, to ensure full engagement and participation in CCP by public colleges and public secondary schools, such as by publicly displaying program participation data by college and secondary schools.

Auditor of State report: Section 3365.14(B): Requires the Chancellor and the Department to collect data relative to the actual cost of CCP programming and submit it to the Auditor of State. The Auditor of State must review and audit that data, and submit a one-time report to the General Assembly about the findings of that review and audit.

State report card: Section 3302.03(D)(2)(k): Requires the Department to include on the state report card report-only, nonrated data about whether a public school provides information about and promotes CCP as required under continuing law. That must be notated with a "yes" or "no."

Annual Report: Section 3365.15(C): Requires the Chancellor and Department to submit jointly an annual report on the outcomes of CCP by December 31 of each year. Current law requires the annual report to be submitted through December 2023, rather than an ongoing annual basis. Continuing law requires the report to be supported by empirical evidence and be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairpersons of the Senate and House Education committees.

Before reporting the bill out favorably, Marc Kriescher, Superintendent of Bloom-Vernon Local Schools in Scioto County and President Elect of the Coalition of Rural and Appalachian Schools, provided interested party testimony. He **asked the committee to amend the bill to address the high cost of online College Credit Plus (CCP) courses delivered by participating institutions of higher education.**

He explained that high school students are receiving applications from CCP participating institutions of higher education throughout Ohio to enroll in their online courses. There are no provisions in law limiting a student's choice of CCP course, so even if the local school district offers a course in person at the high school, a student can choose to take the same course online, from an institution of higher education.

But there is a big difference in the cost of the CCP courses and the performance of students taking online courses.

Institutions of higher education receive $166.55 per credit hour for an online course, compared to school districts, which receive $41.64 per credit hour, for an in person CCP course. The Bloom-Vernon Local School District paid $28,523 for 685 credit hours of CCP courses taught on its campus. It also paid $10,600 for 64 credit hours of online CCP courses taught by various institutions of higher education in Ohio.

In addition, Superintendent Kriescher and other superintendents **have noticed an increase in the failure rate for high school students taking CCP courses online compared to students taking CCP in person.**

He told the committee that he supports the CCP program, and "our Coalition and its member superintendents are in favor of many provisions included in the sub bill language for SB104, such as the required student orientation process and the split costs for textbooks between the school district and college. However, a major concern regarding the tuition costs per CCP delivery method remains unaddressed."

The Rural and Appalachian Coalition **recommends that the cost of the CCP online courses should be the same as the cost of the CCP courses offered in high school, or school districts should have the authority to deny support to students taking online courses at an institution of higher education when the same course is offered at the high school. The cost discrepancies are clearly a financial burden on school districts and taxpayers, he said.**

Senators Catherine Ingram, Jerry Cirino and Bill Reineke seemed interested in the recommendation, but the bill passed out of committee without any further amendments. Senator Cirino did tell Superintendent Kriescher that he intends to work with the State Auditor to collect data to determine the most effective instructional and payment methods for CCP.

Written testimony in support of the bill was submitted by Kelly L. Denson with the Association of American Publishers; Laura Lanese, Inter-University Council; C. Todd Jones, Association of Independent Colleges and Universities of Ohio; and Tom Walsh, Ohio Association of Community Colleges.

> *Source:* **Ohio Channel, Senate Workforce and Higher Education Committee Meeting**, February 28, 2024 HERE.
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Bills introduced last week

- **HB432 Teaching of Career-Tech Education** (Don Jones) Regarding the teaching of career-technical education.

This week at the Statehouse

The Ohio House and Senate will have a limited schedule until after the March 19, 2024 Primary Election.