



Legislative Update for OACTE

Dec. 15, 2023

Senate passes Senate Bill 168

The Ohio Senate on Wednesday passed [Senate Bill \(SB\) 168](#) by a vote of 24-7, sending the bill to the Ohio House of Representatives for consideration, which could begin in January. Prior to passage, the Senate Education Committee made an additional round of changes to the bill, including adjusting pupil transportation requirements and public notice deadlines for rehiring retired staff.

The committee previously eliminated the bill's provision on pupil services licenses for school counselors and school psychologists and codified an administrative code law that creates a temporary, non-renewable license for out-of-state teachers to teach for up to one year. No other licensure changes were made. A full summary of the bill's provisions can be accessed here:

<https://www.legislature.ohio.gov/download?key=21937&format=pdf>.

It is expected the bill's licensure changes and new authority to hire unlicensed individuals as teachers will receive greater scrutiny in the House, which has tended to respond more favorably to higher education institutions and labor organizations than the Senate. The Ohio Education Association and Ohio Federation of Teachers heavily criticized those provisions in SB 168 while the bill was in the Senate, and those groups are expected to increase their advocacy in House now that the bill has cleared the chamber. Additionally, the political calculus of the chamber sometimes means House Speaker Jason Stephens needs support from House Democrats to pass certain bills, which puts Democrats in a position to request the Speaker remove provisions from the bill they believe to be noxious.

Legislature sends DeWine bill on same-sex sports and gender transition ban

The General Assembly this week passed [House Bill 68](#), which requires same-sex sports teams for K-12 schools and colleges and universities, and also prohibits gender transitioning operations and treatment for minors.

The bill is now pending the signature of Gov. Mike DeWine who has yet to comment on

whether or not he will veto the bill. “I’m spending the weekend, and I’m sure after that, reading some of the testimony that was given. These are serious issues. The only thing I will say is that people on both sides of this issue, who obviously have very different points of view, I do believe are worried about kids,” DeWine told reporters on Friday. He has ten days to sign the bill.

Prior to the legislature passing the bill, the Senate Government Oversight Committee on Wednesday made changes to the bill that would allow physicians to continue to prescribe cross-sex hormones or puberty-blocking drugs to minors after the bill becomes law, provided the physician has already initiated a course of treatment that includes such treatment and the minor’s medical record indicates that terminating the treatment would cause them harm. After making the changes, the committee passed the bill, sending it to the Senate, which passed the bill by a vote of 24-8, with Sen. Nathan Manning as the lone Republican in dissent. The House then concurred with the Senate’s changes on a party-line vote, sending the bill to DeWine.

No House vote on Senate Bill 83 in 2023

Despite a House committee passing the bill last week, House Speaker Jason Stephens chose not to bring [Senate Bill 83](#) to the floor for a full vote of the House. The decision not to do so effectively halted the bill from becoming law in 2023, as the Senate would likely have concurred with the House’s changes to the bill on the same day, thus sending it to Gov. Mike DeWine for his approval.

The bill, which enacts sweeping changes to how Ohio’s higher education institutions operate, cleared the House Higher Education Committee last week by an 8-7 vote after undergoing several modifications by the panel. Key changes from the House’s changes to SB 83 that were made in November include:

- Eliminating the provision that prohibited employees from striking;
- Removing “sexual orientation, gender identity, or gender expression” from the bill’s requirements on equal treatment, equal opportunity, prohibition on advantages or disadvantages based on that status, and prohibited segregation policies;
- Requiring colleges and universities to submit a report on all mandatory diversity, equity, and inclusion (DEI) programming and training;
- Requiring student evaluations to account for at least 25% of the teaching area component of a faculty member’s annual performance evaluation, rather than 50% under the Senate-passed version;
- Creating an appeals process for faculty to appeal a final evaluation;
- Maintaining the requirement to adopt a policy on DEI, intellectual diversity, and other concepts, with modifications to the policy elements;

- Prohibiting mandatory orientations or training courses on DEI unless the orientation or course is necessary due to (1) state or federal compliance, (2) professional licensure compliance, (3) accreditation compliance, (4) securing grants, or (5) the institution's policies regarding employee or student discipline.

No vote on bathroom bill

A planned vote on the same-sex bathroom legislation – [House Bill 183](#) – was scuttled this week. Lawmakers were also planning to debut a new version of the bill in committee but neither event happened. No reasons for the cancellation were provided. HB 183 would require institutions of higher education, as well as public and private K-12 schools, to designate specified bathroom and locker room facilities for the exclusive use of students of either the male biological sex or the female biological sex. It would also prohibit those entities from permitting biological females to share overnight accommodations with biological males.

Budget corrections bill clears Senate, awaits final House vote

The Senate passed a budget corrections bill, [House Bill 101](#), after unveiling the language just hours before passage. The bill, which originally dealt with procedures for dissolving a village, returns to the House for a final concurrence vote. The changes include the following provisions:

- a requirement for the Department of Education and Workforce (DEW), rather than the State Board of Education, to adopt reading competencies for all reading credentials and training, and permits DEW to review and update those reading competencies as it considers necessary;
- a clarification that the State Board of Education, rather than DEW, is responsible for criminal records checks and RAPBACK enrollment of holders of pre-service teaching permits (student teachers);
- a requirement that student teachers who hold pre-service teacher permits and are employed as substitute teachers by a school district are to be placed in the State Teachers Retirement System (STRS), rather than the School Employees Retirement System (SERS); and
- an elimination of the University of Cincinnati's Center for Civics, Culture, and Society that was created and funded by the state budget bill in July. The bill, instead, creates in its place a similar, new center at Wright State University.

Craft selected as superintendent; Collins announces resignation

Paul Craft was unanimously selected this week by the State Board of Education to serve as Superintendent of Public Instruction. Craft currently serves as the superintendent of the Buckeye Valley Local School District in Delaware County. Other finalists for the post

included Julia Simmerer, an official with the Department of Education and Workforce, and Jeffrey Greenley, the superintendent of the Belpre City School District.

Meanwhile, Christina Collins, an elected board member representing District 7, announced her resignation from the State Board, effective Dec. 31. Pursuant to law, Gov. Mike DeWine will name a replacement to serve the remainder of her term.

What can you do?

As bills and amendments are considered in 2024, it is incredibly important for your expertise to be utilized in the legislative process, which means you must make your voice heard! Lawmakers need – and want – to hear from practitioners and those in the field. In partnership with your organization leaders from OACTE, OAPCTE, and SUED, recommended advocacy steps and legislative resources are forthcoming. In the meantime, remember to: be clear about your legislative requests, build a coalition of like-minded advocates, use data to support your arguments, and illustrate the outcome of what will or will not happen if a bill becomes law. Focusing your advocacy on these key areas will increase your impact.

Contacting your lawmakers

The tentative House Primary and Secondary Education Committee schedule for the first half of 2024 is as follows: Jan. 16, Feb. 13, April 9, April 23, May 7, May 21, June 11, and June 25. A tentative Senate Education Committee schedule is not yet available.

Individuals interested in signing up to receive committee notifications or interested in testifying on bills pending before the House Primary and Secondary Education Committee should contact Carly Zinnecker, legislative aide for Chairman Rep. Adam Bird, at carly.zinnecker@ohiohouse.gov. She can also be reached at 614-644-6034. Testimony is always due 24 hours prior to the scheduled hearing.

Similar contacts for the Senate Education Committee should be made to Aaron Riggins, senior legislative aide for Chairman Sen. Andrew Brenner, at aaron.riggins@ohiosenate.gov. He can also be reached at 614-466-8086. Testimony is always due 24 hours prior to the scheduled hearing. Full committee contacts can be found on the following page.

Senate Education Committee Roster

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House Primary and Secondary Education Committee Roster

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