



## **Legislative Update for OACTE, OAPCTE, and SUED**

Feb. 2, 2024

### **Legislature overrides DeWine's veto of HB 68; lawsuit planned**

A once-vetoed bill that would prohibit gender transitioning surgeries and treatments for minors and require same-sex sports teams at K-12 schools, colleges, and universities is now law. The Senate on Jan. 24 overrode Gov. Mike DeWine's veto of House Bill 68 by a vote of 24-8, the second and final step in the veto override process. The House had previously voted to override by a vote of 64-29. With these override votes, the bill becomes law and takes effect on April 23.

Meanwhile, the American Civil Liberties Union (ACLU) of Ohio announced it will soon file a lawsuit challenging the constitutionality of the new law ahead of its effective date.

### **Approved high-quality instructional material list for schools unveiled**

The first major step in the rollout of the state's new literacy laws was unveiled on Jan. 31 as the Department of Education and Workforce (DEW) released its initial approved vendor list of core curriculum and instructional materials. K-12 schools are required to use the DEW-approved core curricula, instructional materials, and intervention programs. The approved list is accessible here:

<https://education.ohio.gov/getattachment/Topics/Learning-in-Ohio/English-Language-Art/Resources-for-English-Language-Arts/High-Quality-Instructional-Materials-in-English-La/Approved-List-of-Core-Curriculum-and-Instructional/HQIM-ELA-Core-Approved-List-Program-and-Vendor-Information.pdf.aspx?lang=en-US>

This initial list is just the first of several forthcoming lists in DEW's process of approving vendors. A second list is expected to be released in February, with a third and final list coming in March. The list of approved reading intervention programs will be published in April.

Meanwhile, the Ohio Department of Higher Education continues to prepare its audit of educator preparation programs to better understand the degree to which each program is in alignment with the law's Science of Reading literacy requirements. That requirement, enacted in the biennial budget bill (House Bill 33), is accompanied by a \$1

million competitive grant program to incentive adoption of the Science of Reading by educator preparation programs. That initiative is still in the development process.

### **Same-sex bathroom bill set for House vote**

A bill that will require same-sex bathrooms could clear the Ohio House of Representatives on Feb. 7 next week. House Bill 183 is marked for a vote in the House Higher Education Committee on Feb. 7 and could be placed on the House agenda that same day for a vote of the full chamber.

### **Colleges announced for Ohio's Teacher Bootcamp Program**

Gov. Mike DeWine on Feb. 1 announced eight institutions of higher education were approved to offer Ohio's Teacher Bootcamp Program, which will connect up to 655 Ohio K-12 educators to local businesses so they can learn more about the in-demand skills needed to be successful in the current workforce. The program also aims to help educators better prepare students for career readiness upon graduation.

The approved institutions are Ashland University, Lake Erie College, Malone University, Miami University, Sinclair Community College, University of Cincinnati, University of Findlay, and Youngstown State University. More information on the program can be accessed here: <https://workforce.ohio.gov/initiatives/initiatives/teacherbootcamp>.

### **Budget correction measure signed**

Gov. Mike DeWine signed into law House Bill 101 on Jan. 30, which features several education-related changes, including:

- a requirement that the Department of Education and Workforce (DEW), rather than the State Board of Education, adopt reading competencies for all reading credentials and training, and a provision that permits DEW to review and update those reading competencies;
- a provision specifying that student teachers employed as a substitute teacher under the newly created Pre-service Teacher Permit is included in the State Teachers Retirement System;
- a provision removing the DEW Director as a member of the Educator Standards Board and its subcommittee;
- 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 law, instead, creates in its place a similar, new center at Wright State University; and
- 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 Teacher Permits (student teachers).

## Buckeye Institute Hosts Discussion on Higher Education in Ohio

### **Bills in this Story**

[SB83 HIGHER EDUCATION OPERATIONS ENHANCEMENT \(Cirino, J\)](#)

### **Mentioned in this Story**

[Sen. Jerry Cirino \(R-Columbus\)](#)

The Buckeye Institute Wednesday sponsored a luncheon discussion with Ohio Sen. Jerry C. Cirino (R-Kirtland), and Richard K. Vedder, economist, historian, author, and professor emeritus at Ohio University, moderated by Robert Alt, president and CEO of institute. In this discussion, they talked about the changes they hope to see in higher education, with Cirino's SB83's potential passing.

"Higher education in the United States is in great trouble," said Vedder. He explained statistics that American college costs have risen above family incomes in the 40 years after 1980 and about 40 percent of college students attending four-year schools don't graduate in six years. He also mentioned recent news of plagiarism at Harvard University, causing the former president of the university to step down, and errors and misstatements in research from Stanford University's president, also causing him to step down.

"For most of my academic career, that literally began in the 1950s at Northwestern University, I have strongly believed that colleges should be highly independent of outside sources," said Vedder. "But reluctantly, I now conclude that universities need some adult supervision."

Vedder said that university trustees need to "step up," and even then, that might not be enough to fix the problems. He suggests that Ohio needs to limit the control of "overzealous DEI [diversity, equity and inclusion] autocracies." He also suggests looking at alternative, cheaper options compared to four-year colleges, reforming intercollegiate athletics, and changing state law to provide local property taxation with a primarily nonacademic purpose.

Ohio Department of Higher Education Chancellor Mike Duffey was also mentioned in this discussion. Vedder notes the lack of information Duffey is providing.

"Why isn't he telling us what the learning outcomes per dollar are at the various schools at the state, and why isn't he harassing the schools that are underperforming," said Vedder.

Cirino said Ohio universities and colleges need to prepare for change.

"We can't afford to wait for incremental change, we need transformational change," said Cirino.

Cirino pushed for the passage of his SB83. He said that SB83 aims to promote "more speech, not less speech," along with strengthening boards of trustees, making diversity, equity, and inclusion training optional, eliminating litmus testing for hiring or promoting faculty, requiring a civics course for undergraduates, and helping presidents deal with retrenchment.

"We have been teaching students, by and large, what to think and not how to think," says



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Cirino also says that Ohio needs to reform the concept of shared governance in colleges and universities. “I think one of the biggest obstacles to achieving transformational change is the whole concept of shared governance,” said Cirino.

Cirino says trustees at institutions need to have a deeper understanding of the colleges they are serving, and that they must be at the forefront of pushing for “transformational change” at their respective campuses.

Cirino is confident that SB83 will be passed.

“I know we have the votes,” he said. “Ohio can show leadership.”

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COLUMBUS, Ohio – The leaders of Ohio's 14 universities are being summoned to the Ohio Senate to account for their **budget** requests – as well as to detail **spending** on diversity, equity and inclusion – in a bill that pays for state government **building** construction and local projects.

The General Assembly usually passes a capital **budget** in even-numbered years if the state has enough revenues to pay for one. It's lower profile than the passage of the larger, two-year government operations **budget** passed in odd years. The capital **budget** funds construction of buildings for state agencies, colleges and universities and K-12 schools. It also sends money to local communities to pay for parks, museum upgrades and educational programming.

The capital **budget** is normally assembled behind the scenes and revealed to the public about a week before it is passed. But this year, state Sen. Jerry Cirino, a Kirtland Republican and chairman of the Senate Workforce and Higher Education Committee, sent a letter Jan. 11 to the state's 14 public universities, saying there will be hearings in which they need to discuss their **building** requests, as well as costs associated with the employee headcount; annual count of faculty, administration and employees and their benefits; "a complete accounting of all **spending** on diversity, equity and inclusion or related subjects;" and other expenses.

This is out of the ordinary for a capital **budget**, said Sara Kilpatrick, executive director of the Ohio Conference of the American Association of University Professors.

"I can't recall ever in my years of being around the Statehouse there actually being hearings where the **university presidents** are being called in to provide testimony on the capital **budget** requests," she said. "Obviously they're being asked for much more than the capital **budget** requests."

Cirino has been leading Ohio Republicans' focus on halting DEI in Ohio's public universities since he introduced Senate Bill 83 last year. The bill originally would have prohibited DEI policies, but was later amended to permit them if they're necessary for a school to receive a research grant.

If SB 83 passes – it's currently stalled in the Ohio House – schools could lose funding for not following prohibitions on DEI, among dozens of other requirements for universities in the bill. The bill contains pieces of other state laws, as well as model bills from conservative organizations, that are attempting to tamp down on perceived liberal bias at universities. Universities have been targeted by Republicans in the culture wars in recent years.

Cirino said Tuesday that he expects the hearings to begin on April 9 and to continue until May 8. He acknowledged it's unusual to ask about non-capital related expenses. He said he didn't have time to hold these hearings last year, when the government operations **budget** was vetted.

"This isn't any kind of witch hunt," he said. "This is wanting to understand exactly what the financial conditions are of our universities before handing over hundreds of millions of dollars. Previously the capital **budget** has been pretty perfunctory."

He said previous capital budgets have usually sent around \$300 million for buildings at public universities and around \$100 million for construction at Ohio's 23 community colleges, which don't have to appear this year and explain **spending**.

Enrollment at Ohio's universities have has fallen over the years. Cirino wants to know how schools are adjusting, he said.

Some schools, such as Wright State University in Dayton, spend virtually no money on DEI. Others spend a decent amount of money, he said.

"So when you're asking for capital **budget**, we'd like to know what else are you **spending** your money on

before you come and ask **for** money **for** capital," he said. "I'm not passing judgement until we hear more from them on whether or not their capital projects that they've asked **for** are worthy of funding. Maybe it's not enough funding **for** what they'd like to do. It could go either way. But we felt it's important in the Senate that we found out what is their general fiscal health right now. How are they **spending** money on instruction versus administration? These questions are being asked all around the country."

Kilpatrick said her organization of **university** professors also has a concern about administrative bloat but now isn't the time to analyze it, when talking about construction.

"We have tried to sound the alarm **for** years about administrative bloat at institutions," she said. "But there are numerous **state** mandates that already exist and are being proposed in Senate Bill 83 that adds to administrative bloat. I think we can agree there's a problem there but how exactly we go about resolving it is another conversation."

Cirino also wants to discuss with the **university presidents** "campus safety, particularly **for** Jewish students in light of what's been happening since Oct. 7," he said.

Rallies in favor of Palestinians in Gaza have sprung up at universities across the U.S., with some of them featuring anti-Semitic tropes and sayings, **as** Israel attempts to root out Hamas **for** the Oct. 7 attacks. In Congress, Ivy League **university presidents** testified on Dec. 5 about the balance between free expression and safety against anti-Semitism. Two **presidents** have since resigned under pressure **as** some members of Congress and the public said they failed to show enough concern **for** Jewish students.

Cirino said he's not attempting to recreate the sparks in Congress, when U.S. Rep. Elise Stefanik, a New York Republican, tried to get answers about whether actions at the rallies were bullying and harassing of Jewish students. Stefanik was happy when the **presidents** of Harvard and the **University** of Pennsylvania stepped down.

"That's absurd," Cirino said, explaining he was just exercising budgetary responsibility.

Laura Hancock covers **state** government and politics **for** The Plain Dealer and cleveland.com.