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OHIO LEGISLATIVE SERVICE COMMISSION

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S.B. 128
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Ingram

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SUMMARY

- Requires community schools with for-profit operators, for-profit career colleges or schools (whether or not exempt from regulation by the State Board of Career Colleges and Schools), and for-profit barber schools or schools of cosmetology to post to a specified notice about their for-profit status.
- Requires that all promotional media published by an unaffiliated person to disclose the for-profit status of any institution that is subject to the bill's provisions.
- Requires the State Board of Education, State Board of Career Colleges and Schools, and the State Cosmetology and Barber Board to adopt rules describing the manner and format of the bill's required disclosures.

DETAILED ANALYSIS

Disclosure of for-profit status of certain community schools and post-secondary institutions

The bill requires each K-12 community school with a for-profit operator, each for-profit career college or school (whether or not exempt from regulation by the State Board of Career Colleges and Schools), and each for-profit barber school or school of cosmetology to post to a specified notice about the for-profit status of the school or institution.¹

Under the bill, these schools and institutions must disclose on their official websites, all promotional digital and print media, and contracts for instruction the fact that they are for-profit businesses. The disclosure must be made in a type size as large or larger than any other text on the school's or institution's website, the media, or the contract (excluding the school's or

¹ R.C. 3314.033, 3332.031(R), 3333.046(B), 4709.05(J), and 4713.07(A)(13).

instruction’s name). It also must be presented in a manner reasonably calculated to draw the attention of the reader. Finally, it must read as follows:

(Name of for-profit organization (in the case of a community school, its for-profit operator)) IS A FOR-PROFIT BUSINESS IN THE STATE OF OHIO.²

Media published by unaffiliated person or entity

The bill also requires that the promotional digital and print media that is published for the school or institution by any person or entity not affiliated with it to include the disclosure “A FOR-PROFIT BUSINESS IN THE STATE OF OHIO” in a type size as large or larger than any other text in the advertisement.³

Rulemaking

The bill requires that rules requiring the specified disclosures be adopted by the following:

1. The State Board of Education for community schools with for-profit operators;
2. The State Board of Career Colleges and Schools for institutions under its regulation; and
3. The State Cosmetology and Barber Board for licensed for-profit barber schools and licensed for-profit schools of cosmetology.

Continuing law exempts from regulation by the State Board of Career Colleges and Schools any for-profit institution authorized to grant on February 20, 2002, bachelor’s or master’s degrees for which the Chancellor of Higher Education has issued a certificate of authorization. Since there is no rulemaking authority for these institutions, the bill directly requires them to comply with its disclosure provisions.

S.B. 128 was introduced before the enactment in 2023 of H.B. 33 of the 135th General Assembly, which transferred most authority over community schools held by the State Board of Education to the Department of Education and Workforce.

HISTORY

Action	Date
Introduced	06-21-23

ANSB0128IN-135/ts

² R.C. 3314.033, 3332.031(R)(1), 3333.046(B)(1), 4709.05(J)(1), and 4713.07(A)(13)(a).

³ R.C. 3314.033, 3332.031(R)(2), 3333.046(B)(2), 4709.05(J)(2), and 4713.07(A)(13)(b).