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S.B. 104
135th General Assembly

Final Analysis

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Primary Sponsors: Sens. Cirino and Brenner

Effective date: February 25, 2025

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SUMMARY

College Credit Plus Program

- Revises the operations of the College Credit Plus Program.

Single-sex facilities and accommodations

- Requires public and chartered nonpublic schools, educational service centers (ESCs), and institutions of higher education to designate specified facilities for the exclusive use of students of either the male or female biological sex.
- Prohibits schools and ESCs from permitting members of one biological sex to use a student restroom, locker room, changing room, or shower room that is designated for the other biological sex.
- Prohibits institutions of higher education from *knowingly* permitting members of one biological sex to use a student restroom, locker room, changing room, or shower room that is designated for the other biological sex.
- Prohibits schools and ESCs from permitting a member of one biological sex to share overnight accommodations with a member of the other biological sex.
- Entitles this portion of the act the "Protect All Students Act."

DETAILED ANALYSIS

College Credit Plus Program

Student application deadline

The act adds an additional application deadline for the College Credit Plus (CCP) Program. Specifically, it permits a student or a student's parent to inform the student's school by November 1 of whether the student intends to participate in CCP in the next semester or term.

Otherwise, continuing law requires the notification to be provided by April 1 preceding the school year in which the student intends to participate in CCP.

Additionally, the act clarifies that a student or parent who provides notification by April 1 may be approved to participate in the program for the next full school year, while those who provide notification by November 1 may be approved to participate in the program for the next semester or term only. The deadlines also apply for a student attending a chartered or nonchartered nonpublic secondary school or who is home-instructed.¹

School and college requirements

CCP forms

The act requires a public or chartered nonpublic school to use CCP forms developed by the Chancellor of Higher Education and the Department of Education and Workforce. Furthermore, it prohibits schools from modifying those forms without prior approval from the Chancellor and the Department.²

Orientation

The act 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 is practicable.³

State requirements

Alternative instructor credentialing

The act 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 by August 25, 2025.

Continuing law already requires the Chancellor to establish credential requirements to teach under CCP. Generally, according to the Department of Higher Education's website, accessible at: highered.ohio.gov, a teacher must have a master's degree, or a master's plus 18 graduate semester hours, in a discipline to teach a general education CCP course.⁴

Monitoring and compliance

The act 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.⁵

¹ R.C. 3365.03(A).

² R.C. 3365.04(H).

³ R.C. 3365.05(I).

⁴ R.C. 3365.11(B). See also [Teacher Credentialing for College Credit Plus](http://highered.ohio.gov), accessible at: highered.ohio.gov.

⁵ R.C. 3365.14(A).

Auditor of State report

The act 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.⁶

State report card

The act requires the Department to include on the state report card data “yes” or “no” indication about whether a public school provides information about and promotes CCP as required by law.⁷

Annual report

The act requires the Chancellor and Department to jointly submit an annual report on the outcomes of CCP by December 31 of each year. Former law required the annual report to be submitted through December 2023.⁸

Single-sex facilities and accommodations

Application

The act establishes requirements regarding single-sex facilities and accommodations for primary and secondary schools and higher education institutions. The act applies to schools, school districts, community schools, STEM schools, chartered nonpublic schools, educational service centers, state universities, state university branch campuses, community, state community, and technical colleges, private nonprofit colleges and universities, and private for-profit career colleges and schools.⁹

Designation

The act requires schools and institutions to designate each student restroom, locker room, changing room, or shower room that is accessible by multiple students at the same time for the exclusive use of students of either the male or female biological sex. For a school, that requirement applies to such rooms whether they are in a school building or in a facility used for a school-sponsored activity. Institutions of higher education are specifically required to use clear signage to make the designations.¹⁰

⁶ R.C. 3365.14(B).

⁷ R.C. 3302.03(D)(2)(k).

⁸ R.C. 3365.15(C).

⁹ R.C. 3319.90 and 3345.90; conforming changes in R.C. 3314.03(A)(11)(d) and 3326.11. See also R.C. 3345.19, not in the act.

¹⁰ R.C. 3319.90(B) and 3345.90(B).

Prohibitions

The act prohibits schools from permitting members of one biological sex to use a student restroom, locker room, changing room, or shower room that is designated for the other biological sex. It prohibits institutions of higher education from doing so *knowingly*. Additionally, schools are prohibited from permitting members of one biological sex to share overnight accommodations with members of the other biological sex.

The act also prohibits schools and institutions from constructing, establishing, or maintaining a multi-occupancy facility that is designated as nongendered, multigendered, or open to all genders. Family facilities are exempt from this prohibition.

A “multi-occupancy facility” is a restroom, locker room, changing room, or shower room that is accessible to multiple individuals at the same time, but does not include a family facility.

A “family facility” under the act is a family restroom or shower room that does not have more than one toilet or shower.¹¹

Definition of “biological sex”

Under the act, “biological sex” is “the biological indication of male and female, including sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual’s psychological, chosen, or subjective experience of gender.” The act permits a person to use the sex listed on the person’s official birth record to prove biological sex if the record was issued at or near the time of the person’s birth.¹²

Exceptions

The act’s prohibitions do not prevent a school from establishing policies to provide accommodations upon student request due to special circumstances, which may include permitting students to use single-occupancy facilities or controlled use of faculty facilities.

The act’s prohibitions also do not prohibit an institution of higher education from establishing and enforcing a policy on the use of a multi-occupancy facility. The act requires any policy adopted by an institution in accordance with the act to provide an option for alternative accommodations, including the use of single-occupancy facilities or faculty facilities.

Finally, the act states that its prohibitions do not apply to:

- A child under the age of ten who is being assisted by a parent, guardian, or family member and the parent, guardian, or family member who is assisting the child;
- A person with a disability who is being assisted by another person and the person who is providing assistance;

¹¹ R.C. 3319.90(A), (B), and (C) and 3345.90(A) and (B).

¹² R.C. 3319.90(A) and 3345.90(A).

- A school or institution employee whose job duties require the employee to enter a restroom, locker room, changing room, or shower room designated for a biological sex that is different from the employee’s biological sex; or
- A person who enters a restroom, locker room, changing room, or shower room reasonably believing that the person is responding to a legitimate emergency.¹³

HISTORY

Action	Date
Introduced	04-05-23
Reported, S. Workforce & Higher Education	02-28-24
Passed Senate (32-0)	02-28-24
Reported, H. Higher Education	06-25-24
Passed House (60-31)	06-26-24
Senate concurred in House amendments (24-7)	11-13-24

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¹³ R.C. 3319.90(D) and (E) and 3345.90(D).