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Mike Niemi, Research Analyst

SUMMARY

Degree programs

- Requires the Chancellor of Higher Education, when considering approval of a new degree or degree program for a state university, to take into account the extent to which it aligns with in-demand jobs.
- Requires the Chancellor adopt rules to suspend or limit enrollment in a state university bachelor's degree program offered by a state university that has a low completion rate.
- Permits the Chancellor to approve bachelor's degree programs at community colleges, state community colleges, and technical colleges (rather than only applied bachelor's degree programs as under current law).
- Requires the Chancellor to approve all programs for nursing bachelor's degrees at community colleges, state community colleges, and technical colleges.

Student tuition and fees

- Revises the law on undergraduate tuition guarantee programs at state universities.
- Requires a state university to permit students to choose which "nonacademic general fees" to pay each semester.
- Prohibits a state institution of higher education from charging an additional fee to a student for academic activity associated with regular coursework, such as grading student assignments.
- Requires a state university to charge less in tuition and fees for an online course than a course taught in an in-person, classroom setting.

Student financial aid

- Establishes the Second Chance Voucher Program, under which a “qualifying college or school” must reduce the tuition and general fees charged to a student who disenrolled from a state university within the last ten years and who has not completed a bachelor’s degree program.
- Requires the state university from which a Second Chance Voucher participant disenrolled to reimburse the “qualifying college or school” for a prescribed percentage of the reduced tuition and fees and the Chancellor to reimburse the college or school for the remainder of the reduced tuition and fees.
- Establishes a supplemental grant for OCOG recipients who have completed at least two years of a bachelor’s degree program and are making progress toward completing that program.
- Requires the Chancellor, to the extent permitted by federal law, to distribute certain unused federal funds to community colleges, state community colleges, or technical colleges to support students enrolled in certain certificate or credential programs.

Accommodations for students unable to enroll in a course

- Requires a state institution to offer prescribed accommodations to a qualifying student who was unable to register for a course necessary to complete the student’s bachelor’s degree program, rather than requiring the institution only to waive tuition and fees for a necessary course as under current law.

State university and community college partnerships

- Requires each state university to enter into one or more prescribed partnerships with community colleges, state community colleges or technical colleges based on whether a state university enrolls a majority of its undergraduate students from its enrollment region.
- Requires the state university, under the partnership, to permit an undergraduate student to complete up to two academic years’ worth of college credits at the partnering college while receiving academic counseling from the university and paying the partnering college’s tuition and fees for the credits.
- Requires each state university, upon enrolling an undergraduate student from an enrollment region in which one of the university’s partnership college’s is located, to provide that student with information about the partnership and a summary of any financial savings available to the student by completing credits at the college.

Reporting requirements

- Requires the Chancellor, by November 1 of each even-numbered year, to issue a report regarding the extent to which degree and certificate attainment at state institutions align with in-demand jobs.

- Requires the Chancellor to consider that report's findings and, in collaboration with the Office of Budget and Management, to consider changing the weights and allocations in the state share of instruction formula.
- Requires each state university to issue an annual report about the university's tuition and fees, average cost of attendance, and certain other post-graduation data and requires the Chancellor to issue a similar report for all state universities.
 - Requires each state university to provide prospective students, and their parents and guardians, with a copy of the most recent report about the university's tuition and fees, average cost of attendance, and student post-graduation data.
- Requires the Chancellor to issue an annual report regarding student admissions during the academic year.
 - Requires each state university to issue a similar report and post it on the university's website.
- Requires the Chancellor to issue an annual report regarding the tuition and general fee revenue of state universities during the academic year.
 - Requires each state university to issue a similar report and post it on the university's website.
- Requires the Chancellor to issue a report about the mental health and wellness services and initiatives of state universities.

Due process for disciplinary actions

- Requires a state university to provide a student who is subject to a disciplinary action with a notice of the action, the reasons for it, and the student's right to appeal it.
- Requires a state university to afford a student with a fair and impartial hearing within a reasonable time if the student opts to appeal a disciplinary action.

Campus safety and remediation efforts

- Requires each state university to provide the Chancellor, and post in an easily accessible location on its website, the annual campus security report it compiles in order to comply with the federal Clery Act.
- Requires the Chancellor to use that data to rank state universities by crime level, the highest of which is "high crime."
- Requires a state university ranked as "high crime" to submit to the Chancellor a remediation plan to reduce crime on campus and follow-up reports regarding the plan's implementation.
- Authorizes the Chancellor to require a state university to enter into an agreement with an appropriate law enforcement agency, as determined by the Chancellor, to take over primary responsibility for security on campus if, based on the follow-up reports, the Chancellor determines the state university is not making progress in reducing crime.

Contracts without a nonboycott declaration are prohibited

- Prohibits a state institution of higher education from entering into or renewing a contract with a company for the acquisition or provision of supplies, equipment, or services, or for construction services, unless the contract declares that the company is not boycotting Israel or other jurisdictions with whom Ohio can enjoy open trade.

Uniform Prudent Management of Institutional Funds Act

- Requires that any agreement relating to the intent of a donor expressed in a gift instrument to a state institution of higher education specify a person or persons authorized to oversee the agreement and ensure the institution is in compliance with the donor's intent.
- Provides standing for a person authorized to oversee the agreement, the donor's heir or estate, and the Attorney General to sue the state institution of higher education to compel the institution to follow the donor's intent.
- When initiating the court action, requires the complaint to include the name of a charity that the person suing the institution would like the money to be donated to should the court decide that such an action is appropriate.

Free speech policies

- Requires each state institution of higher education to adopt a policy that affirms prescribed principles regarding the regulation of free speech on campuses and to include that policy in the institution's handbook, website, and orientation programs.
- Requires each state institution of higher education to establish a process under which a student, student group, or faculty member may submit a complaint about an alleged violation by an employee of its policy.

Other state university provisions

- Prohibits a state university from:
 - Withholding official transcripts from a student because the student owes money to the university; and
 - Prioritizing the admission of an applicant who is not an Ohio resident over an applicant who is an Ohio resident if both applicants have substantially similar qualifications.
- Requires a state university to:
 - Accept, provide credit for, and apply to a student's degree and graduation requirements any online coursework completed at another institution of higher education with a similar accreditation; and
 - Submit to the Chancellor a written statement explaining how any capital facilities project advances the state's master plan for higher education.

K-12 career advising policy

- Modifies the law on K-12 career advising policies.

K-12 free speech polices

- Requires each school district and other public school to adopt a policy that affirms prescribed principles regarding the regulation of free speech and to make it available to students and teachers annually.
- Requires each school district and other public school to establish a process under which a student, student group, or teacher may submit a complaint about an alleged violation by an employee of the district's or school's policy.

Apprenticeship subprogram of the College Credit Plus program

- Creates a subprogram of the College Credit Plus program, beginning with the 2022-2023 school year, that permits eligible students to participate in certified apprenticeship programs.
- Requires the Chancellor of Higher Education and Superintendent of Public Instruction, by December 31, 2021, to develop a proposal to implement the subprogram and submit it to the State Board of Education.
- Requires the State Board, not later than June 30, 2022, to adopt rules to implement the program.

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DETAILED ANALYSIS

The bill revises several laws on the operation of state institutions of higher education, including those regarding degree programs, tuition and fees, student financial aid, accommodations for students unable to enroll in certain courses, reporting requirements, campus safety, and disciplinary due process. It also expressly adds state institutions of higher education to the Non-Boycott Law and modifies the Uniform Prudent Management of Institutional Funds Act as it pertains to gifts to them.

In addition to those changes, the bill requires state institutions of higher education and public K-12 schools to adopt prescribed policies regarding free speech on campus or school property. Finally, it modifies the law on K-12 career advising polices and creates a subprogram in the College Credit Plus Program concerning credit for apprenticeship programs.

Under continuing law, a “state institution of higher education” is any of the 13 state universities, the Northeast Ohio Medical University, a community college, state community college, university branch, or technical college. The 13 state universities are the University of Akron, Bowling Green State University, Central State University, University of Cincinnati, Cleveland State University, Kent State University, Miami University, Ohio University, Ohio State

University, Shawnee State University, University of Toledo, Wright State University, and Youngstown State University.¹

Degree programs

State university degrees

The bill requires the Chancellor of Higher Education, when considering approval of a new degree or degree program for a state university, to take into account the extent to which that degree or program aligns with in-demand jobs in Ohio and its regions.²

In addition, the Chancellor must adopt rules to suspend or limit enrollment in any bachelor's degree program offered by a state university if the Chancellor determines a program has a low completion rate.³

Under continuing law, the Chancellor must approve or disapprove all new degrees or degree programs at state institutions of higher education. Such institutions are prohibited from offering a new degree or degree program without the approval of the Chancellor.⁴

Community college bachelor's degrees

The bill modifies a program established under continuing law that permits the Chancellor to authorize applied bachelor's degrees at community colleges, technical colleges, and state community colleges. Specifically, the bill:

1. Expands the Chancellor's program to include any bachelor's degree, rather than just applied bachelor's degrees;
2. Eliminates the current requirement that a proposed degree program must demonstrate that it addresses the absence of a bachelor's degree program that meets workforce needs that is not addressed by a state university or a private nonprofit college or university;
3. Requires the Chancellor to approve all nursing degree bachelor's degree programs that demonstrate they meet the other requirements for approval prescribed under continuing law; and
4. Eliminates a requirement that the Chancellor, before approving a degree program, must consult with the Governor's Office of Workforce Transformation, the Inter-University Council of Ohio, the Ohio Association of Community Colleges, and the Association of Independent Colleges and Universities of Ohio.⁵

¹ R.C. 3345.011, not in the bill.

² R.C. 3333.04(N). See also R.C. 3333.94(A)(1), not in the bill.

³ R.C. 3333.073.

⁴ R.C. 3333.04(N). See also R.C. 3333.07(C), not in the bill.

⁵ R.C. 3333.051.

Student tuition and fees

Undergraduate tuition guarantee program

The bill makes several changes to the law on undergraduate tuition guarantee programs that state universities must establish under continuing law. Currently, under a guarantee program each entering cohort of undergraduate students of a state university pays an immediate increased rate for tuition and general fees, but that rate is guaranteed not to increase again for that particular cohort for the next four years.⁶

Under the bill, beginning in the next academic year after the bill's effective date, each entering undergraduate cohort generally must pay a fixed rate of tuition and fees for six years, rather than four years as under current law. However, the bill provides that an entering cohort at a particular state university must still pay a fixed rate for four years if, in each of the three academic years prior to the cohort entering the university, a majority of the university's graduates completed their degree programs in the amount of time such programs are typically designed to require.⁷

In addition, the bill changes how the increased rate of tuition and fees is calculated. It allows state universities to increase tuition and fees for an entering cohort by the maximum amount the General Assembly permits for increasing in-state undergraduate tuition and fees for that fiscal year. If the General Assembly does not permit an increase, a state university may not increase its tuition and fees for a cohort. Under current law, a state university may increase the rate of tuition and fees by the sum of the average rate of inflation for the previous 36-month period and the percentage amount the General Assembly restrains increases for in-state undergraduate tuition and fees for that fiscal year. Current law also specifies that, if the General Assembly does not enact a limit, a state university is not limited in increasing tuition and fees under the program.⁸

The bill also eliminates a provision that specifies that, if a state university board of trustees determines the tuition and general fees charged under the tuition guarantee have fallen significantly lower than those of other state universities, it may submit to the Chancellor a request to increase the amount charged to a cohort by a specific percentage.⁹

Finally, the bill requires a tuition guarantee program to permit a student who was participating in the program, but who then disenrolled from the state university, to remain eligible under the same terms and rate as the student's initial cohort if, within two years of disenrolling, the student enrolls again in the university.¹⁰

⁶ R.C. 3345.48.

⁷ R.C. 3345.48(E); conforming changes in R.C. 3345.48(B)(6) and (7).

⁸ R.C. 3345.48(B)(2).

⁹ R.C. 3345.48(B)(2).

¹⁰ R.C. 3345.48(B)(9).

Nonacademic general fees

The bill requires each state university to permit students to choose which “nonacademic general fees” to pay each semester. If a student chooses not to pay a nonacademic general fee, the bill prohibits the student from having access to the facilities or services related to that fee for the semester.

Under this provision, a “nonacademic general fee” means any student activity fee used to support and facilitate the expression and activities of student groups, and any fees charged to students for the support of common buildings and rooms, student centers, theaters, pools, and other facilities of common use to all students or of the meetings and official responsibilities of the student government.¹¹

Prohibit additional fees for academic activities

The bill prohibits a state institution of higher education from charging an additional fee to a student for an employee or an entity contracting with the institution to complete any academic activity associated with regular coursework, including grading student assignments.¹²

Tuition and fees for online courses

The bill requires a state university to charge less in tuition and fees for an online course than for a course taught in an in-person, classroom setting. The tuition and fees charged for an online course must be based on the actual cost incurred by the university to provide the course.¹³

Student financial aid

Second Chance Voucher Program

The bill requires the Chancellor to establish the Second Chance Voucher Program, under which a “qualifying college or school” must reduce the tuition and general fees for eligible disenrolled students to complete their degrees. To be eligible, a student must enroll in the qualifying college or school within ten years of disenrolling from a state university and must not have completed a bachelor’s degree. The Chancellor and the state university from which the student disenrolled must reimburse the qualifying college or school for the amount of reduced tuition and fees.¹⁴

For the purposes of the program, a “qualifying college or school” is a community college, a technical college, a state community college, a private for-profit career college or school, an Ohio Technical Center, or a state university.¹⁵ Ohio Technical Centers are career-

¹¹ R.C. 3345.026.

¹² R.C. 3345.028.

¹³ R.C. 3345.461.

¹⁴ R.C. 3333.261(A), (B), and (C).

¹⁵ R.C. 3333.261(A)(2).

technical centers and schools that provide adult education and are recognized as such by the Chancellor.¹⁶

The amount of reduced tuition and fees must equal to:

(The total number of credit hours the student paid for at the state university from which the student disenrolled) X (the statewide average of tuition and fees per credit hour charged by community colleges, state community colleges, and technical colleges in the academic year in which the student enrolled in the qualifying college or school) X 0.50

The bill also specifies how the reimbursements will be divided between the state university from which the student disenrolled and the Chancellor. Specifically, a state university with an average graduation rate of at least 65% for the six consecutive academic years prior to the academic year in which the student enrolls in the qualifying college or school must reimburse an amount equal to 50% of the reduced tuition and fees. A university that does not meet that graduate rate requirement must reimburse an amount equal to 75% of the reduced tuition and fees. In either case, the Chancellor must reimburse the qualifying college or school for the remaining amount of reduced tuition and fees.¹⁷

The student is responsible for paying the qualifying college or school any remaining tuition and fees after the reduction.

Supplemental OCOG awards

In addition to the need-based Ohio College Opportunity Grant (OCOG) awarded under continuing law, the bill requires the Chancellor to award eligible students a supplemental grant. To be eligible, a student must receive an OCOG award, have completed at least two years of a bachelor's degree program, and be making progress toward completing that program. Supplemental grants must be paid using funds appropriated for OCOG. They also are subject to the same requirements prescribed under continuing law for OCOG. Finally, the Chancellor must adopt rules to implement this provision, which must include a method to calculate supplemental grant amounts.¹⁸

The OCOG Program provides need-based financial aid for higher education students based on their expected family contribution (EFC). EFC is calculated using the information that students provide when they fill out their Free Application for Federal Student Aid (FAFSA) form, and, generally, is the same method that the federal government uses to determine the federal government's need-based Pell Grants.¹⁹

¹⁶ See for example, R.C. 3313.902 and 3333.94. See also the Chancellor's list of Ohio campuses at <https://www.ohiohighered.org/campuses>.

¹⁷ R.C. 3333.261(C).

¹⁸ R.C. 3333.125; conforming change in R.C. 3333.122.

¹⁹ R.C. 3333.122.

Federal funds and community colleges

The bill requires the Chancellor, to the extent permitted by federal law, to distribute certain unused federal funds to community colleges, state community colleges, and technical colleges to provide support to students enrolled in programs that may be completed in less than one year and for which a certificate or industry-recognized credential is awarded for an in-demand job. Specifically, the bill requires the Chancellor to distribute any funds received under the federal Coronavirus Aid, Relief, and Economic Security Act that remain after payments are made under required higher education priorities.²⁰

Accommodations for students unable to enroll in a course

The bill substantially changes a provision of current law that requires state institutions of higher education to waive tuition and fees for a final course necessary for a student to complete a bachelor's degree program if the student was unable to enroll in that course in the student's final year. Under the bill, a state institution must offer one of several prescribed accommodations to a student if the student was unable to register for a course that is necessary to complete the student's bachelor's degree program, but that is not a general elective, in *any* academic year.²¹

Student eligibility

Specifically, a state institution must provide a prescribed accommodation to a student if the student was unable to register for a course in an academic year and the student:

1. Has not completed the course prior to that academic year;
2. Was enrolled full time, as defined by the Chancellor, in that academic year;
3. Was unable to register for the course because it was not offered or circumstances beyond the student's control made registration unfeasible, as determined by the Chancellor;
4. Successfully paid all tuition and fees and did not receive a refund for the courses for which the student registered in that academic year at the start of the academic year; and
5. Did not enroll in the maximum amount of credit hours in that academic year, as determined by the state institution.²²

Accommodations

The accommodations that a state institution must offer a student are:

²⁰ Section 3. See Pub. Law 116-136.

²¹ R.C. 3345.481.

²² R.C. 3345.481(A) and (B).

1. Waive the student's tuition and fees for that course if the student successfully registers for it in the next academic year in which it is offered. However, such waiver must not grant a student guaranteed or priority registration for that course.
2. Reimburse the student for any tuition and fees the student paid to register for an equivalent course offered by an institution of higher education with a similar accreditation. To qualify for that reimbursement, a student must register for the equivalent course in the same year in which the student was unable to register for the course.
3. Permit the student to complete an independent study that meets specified guidelines in lieu of the course in order to meet the requirements of the student's bachelor's degree program.²³

State university and community college partnerships

The bill requires state universities to enter into one or more partnerships with a community college, state community college, or technical college under which the university provides information to new students about the college and permits the student to attend the college for the first two years of the student's degree.

Under this provision, the Chancellor must divide the state into geographic "enrollment regions," each of which must contain at least one community college, state community college, or technical college. Each state university that enrolls a majority of its undergraduate students from the enrollment region in which the university's main campus is located must enter into a partnership with at least one college in that region. If a state university does not enroll a majority of its undergraduate students from the enrollment region in which its main campus is located, the state university instead must enter into a partnership with at least one college in each enrollment region. An undergraduate student enrolled in a state university may complete up to the number of college credits equivalent to two academic years at the partnering college while receiving academic counseling from the university about how to make progress toward completing a bachelor's degree program. The student is required to pay the partnering college's tuition, general, and special fees for those credits.

In addition, each state university, upon enrolling an undergraduate student from an enrollment region in which the university has a partnering college must provide that student with information about the partnership and a summary of any financial savings available to the student by completing college credits at that partnering college.²⁴

²³ R.C. 3345.481(C).

²⁴ R.C. 3345.591.

Reporting requirements

State share of instruction and in-demand jobs

The bill requires the Chancellor, by November 1 of each even-numbered year, to issue a report on the extent to which degree and certificate attainment at state institutions of higher education align with in-demand jobs in the state. After the report is issued, the Chancellor must consider the findings and, in collaboration with the Office of Budget and Management, consider changing the weights and allocations in the state share of instruction (SSI) formula to ensure that degree and certificate attainment at state institutions align with in-demand jobs in Ohio.²⁵

The SSI formula, which is revised and enacted in the main operating budget for each biennium, is used to distribute core state operating funding to state institutions of higher education. The SSI formula computes funding separately for two sectors: (1) the university main and regional campus sector and (2) the community college sector, which includes community colleges, state community colleges, and technical colleges. Each sector has its funding computed using prescribed components. For the university sector, those components are: course completions, degree completions, and doctoral and medical set-asides. For the community college sector, those components are: course completions, student progress metrics, and completion milestones.²⁶

State university cost and postgraduate data

Beginning in the next academic year following the bill's effective date, each state university annually must prepare and post on its website a report that includes:

1. An itemized list of the estimated or actual charges of the tuition, general fees, special fees, service charges, fines, and other fees or surcharges for enrolled students;
2. The estimated or actual average cost of attendance;
3. Student degree completion rates;
4. Post-graduation student debt rates; and
5. Post-graduation employment rates.

In addition, each state university must disaggregate student degree completion rates, post-graduation student debt rates, and post-graduation employment rates by degree, student demographics, and by students who do and do not receive Ohio College Opportunity Grant awards. For any post-graduation data, the bill also requires each state university to collect information from its alumni, as available.²⁷

²⁵ R.C. 3333.0418.

²⁶ <https://www.ohiohighered.org/node/933>.

²⁷ R.C. 3345.024(A).

Each state university must provide that most recent copy of that report to prospective students, as well as their parents and guardians. It also must submit to the Chancellor, in a form and manner prescribed by the Chancellor, the data used to prepare its report.²⁸

With that data, the Chancellor must issue an annual report that contains the same information for all state universities.²⁹

Other reports

The bill prescribes other new reporting requirements for the Chancellor and state universities.

First, the Chancellor annually must issue a report regarding student admissions to state universities during the academic year. The report must include information regarding student demographics and qualifications, including grade point averages, scores on nationally standardized assessments that are used for college admission, and other data used by state universities in making admissions decisions. The information in the report must be disaggregated by students who are and are not Ohio residents. Each state university must issue a similar report and post it on the university's website.³⁰

Second, the Chancellor must issue an annual report regarding the revenue state universities received from tuition and general fees during the academic year and how the universities used such revenue. The report must categorize the expenditures, including teaching costs and administrative costs. The report must compare student enrollment trends with tuition and general free revenue trends. Again, each state university must issue a similar report and post it on the university's website.³¹

Finally, the Chancellor must issue an annual report about the mental health wellness and services and initiatives of state universities. The report must include:

1. A description of each state university's mental health and wellness services and initiatives;
2. An analysis of how much funding each state university dedicates to mental health and wellness services and initiatives, including the percentage of that funding that is used for administrative costs;
3. An analysis of the aggregate amount of funding state universities dedicate to mental health and wellness services and initiatives, including the percentage of that funding that is used for administrative costs; and

²⁸ R.C. 3345.024(B) and (C).

²⁹ R.C. 3345.024(C) and (D).

³⁰ R.C. 3333.0419(B)(1) and (D).

³¹ R.C. 3333.0419(B)(2) and (D).

4. Any other information the Chancellor determines appropriate.³²

Each state university must submit to the Chancellor, in a form and manner the Chancellor prescribes, any information or data the Chancellor requires to issue these reports.³³

Due process for disciplinary actions

The bill expressly requires a state university to provide a student who is subject to a disciplinary action by the university with a notice of the action, the reasons for it, and the student's right to appeal it. If the student chooses to appeal the action, the state university must afford the student with a fair and impartial hearing within a reasonable time under the university's regular procedures.³⁴

The bill does not affect provisions of continuing law that establish specific due process procedures for students, faculty, and staff members who have been arrested for certain criminal offenses.³⁵

Campus safety and remediation efforts

Under the bill, each state university must provide to the Chancellor and post in an easily accessible location on the university's website the annual campus security report it compiles in order to comply with the federal Clery Act.

The Chancellor must use that data to rank state universities by crime levels, the highest of which is "high crime." The Chancellor must require each state university ranked as "high crime" to submit a remediation plan to reduce crime on campus. Each state university must coordinate with state university law enforcement officers or other appropriate law enforcement officers, as determined by the Chancellor, in creating the plan. Each state university with a remediation plan must submit to the Chancellor follow-up reports on the plan's implementation.

The bill further authorizes the Chancellor to require a state university to enter into an agreement with an appropriate law enforcement agency, as determined by the Chancellor, to take over primary responsibility for security on the university's campus if, based on reports regarding the university's remediation plan, the Chancellor determines the state university is not making progress in reducing crime on campus.³⁶

The federal Clery Act requires institutions of higher education that receive federal aid to have policies in place for receiving and responding to reports of criminal activities on campus. The law also requires those institutions to submit to the U.S. Justice Department statistics on

³² R.C. 3333.0419(B)(3).

³³ R.C. 3333.0419(C) and (E).

³⁴ R.C. 3345.241.

³⁵ See R.C. 3345.22 to 3345.24, none in the bill.

³⁶ R.C. 3345.43.

“sex offenses, forcible or nonforcible,” and other crimes that are reported to campus or local police.³⁷ The statistics indicate the number of offenses of different types that are *reported*, not the number of arrests or convictions.

Contracts without a nonboycott declaration are prohibited

The bill expands Non-Boycott Law to include state institutions of higher education. Under current law, a state agency may not enter into or renew a contract with a company for the acquisition or provision of supplies, equipment, or services, or for construction services, unless the contract declares that it is not boycotting any jurisdiction with whom Ohio can enjoy open trade, including Israel, and will not do so during the contract period. The bill expressly states that, for purposes of this law, “state agency” includes a state institution of higher education.³⁸

Uniform Prudent Management of Institutional Funds Act

The Uniform Prudent Management of Institutional Funds Act³⁹ governs the management and investment of endowment funds controlled by charitable institutions. For institutional funds held by state institutions of higher education, the bill provides standing for specified persons to sue a state institutions of higher education, if it does not follow the intent of the donor expressed in a gift instrument.

More specifically, the bill requires that any agreement relating to the intent of a donor expressed in a gift instrument to a state institution of higher education specify a person or persons authorized to oversee the agreement and gift instrument and to ensure that the institution is in compliance with the donor’s intent. If a state institution of higher education does not follow this intent, the person specified, the donor’s heir or estate, or the Attorney General can sue to compel the institution to comply with the donor’s intent.

When initiating the court action, the complaint must include the name of a charity that the person suing the institution would like the money to be donated to should the court decide that such an action is appropriate. If a court finds that a state institution of higher education is not in compliance with the donor’s intent, the court may require the institution to donate all or part of the money in question to the charity specified.⁴⁰

³⁷ 20 United States Code (U.S.C.) 1092(f).

³⁸ R.C. 9.76.

³⁹ R.C. 1715.51 to 1715.59, none in the bill.

⁴⁰ R.C. 1715.551.

Free speech policies

In addition to comply with other state laws regarding the regulation of free speech on campuses,⁴¹ the bill requires each state institution of higher education to adopt a policy that affirms certain prescribed principles, which the bill specifies are the public policy of this state.⁴²

The bill states that those principles are:

1. Students have a fundamental constitutional right to free speech;
2. A state institution must be committed to giving students the broadest possible latitude to speak, write, listen, challenge, learn, and discuss any issue;
3. A state institution must be committed to maintaining a campus as marketplace of ideas for students and faculty in which the free exchange of ideas is not suppressed because the ideas put forth are thought by some or most members of the institution's community to be offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed;
4. It is for individual students and faculty to make judgements about ideas for themselves, and to act on those judgements by openly and vigorously contesting the ideas they oppose and not by seeking to suppress free speech;
5. It is not the proper role of a state institution to attempt to shield individuals from free speech, including ideas and opinions they find offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed;
6. Although a state institution should greatly value civility and mutual respect, concerns about civility and respect must not be used by an institution as a justification for closing off the discussion of ideas, however offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed those ideas may be to some students or faculty;
7. Although students and faculty are free to state their views about and contest the views expressed on campus, and to state their views about and contest speakers who are invited to express their views on campus, they may not substantially obstruct or otherwise substantially interfere with the freedom of others to express views they reject or even loath. To that end, a state institution has a responsibility to promote lively and fearless freedom of debate and deliberation and protect that freedom.
8. A state institution must be committed to providing an atmosphere that is most conducive to speculation, experimentation, and creation by students and faculty, who must remain free to inquire, study, evaluate, and gain new understanding;

⁴¹ See R.C. 3345.0212 to 3345.0214 (as enacted by S.B. 40 of the 133rd General Assembly, effective March 24, 2021), none in the bill.

⁴² R.C. 3345.0215; conforming change in R.C. 3345.21.

9. The primary responsibility of faculty is to engage an honest, courageous, and persistent effort to search out and communicate the truth that lies in areas of their competence;
10. Although faculty are free in the classroom to discuss subjects within areas of their competence, faculty must be cautious in expressing personal views in the classroom and be careful not to introduce matters that have no relationship to the subject taught, and especially matters in which they have no special competence or training and in which, therefore, the faculty's views cannot claim the authority accorded statements they make about subjects within areas of their competence, provided that no faculty will face adverse employment action for classroom speech, unless it is not reasonably germane to the subject matter of the class as broadly construed, and compromises a substantial portion of classroom instruction;
11. A state institution must not deny student activity fee funding to a student group based on the viewpoints the student group advocates;
12. A state institution must permit students and faculty to invite guest speakers to campus to engage in free speech regardless of the views of the guest speakers; and
13. A state institution must not revoke an invitation to a speaker invited by a student, student group, or faculty member because the speaker's anticipated speech may be considered offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed by students, faculty, administrators, government officials, or members of the public.⁴³

The policy affirming those principles must be included in the institution's handbook, on its website, and in its orientation programs for students.⁴⁴

The bill also requires each institution to establish a process under which a student, student group, or faculty member may submit a complaint about an alleged violation by an employee of the institution of its policy. Under the process, the state institution must investigate the alleged violation and conduct a fair and impartial hearing about it. If the hearing determines the policy was violated, the state institution must determine a resolution to address the violation and prevent any further violation of the policy.⁴⁵

The bill specifies that the free speech policies must not be construed as prohibiting a state institution from imposing measures that do not violate the U.S. Constitution or the Ohio Constitution, such as:

1. Constitutional time, place, and manner restrictions;
2. Reasonable viewpoint-neutral restrictions in nonpublic forums;

⁴³ R.C. 3345.0215(B).

⁴⁴ R.C. 3345.0212(C)(2).

⁴⁵ R.C. 3345.0215(C).

3. Restrictions on the use of the institution's property to protect the free speech rights of students and teachers and preserve the use of property for the advancement of the institution's mission;
4. Prohibitions or limitations on speech, expression, or assemblies that are not protected under the U.S. or Ohio constitutions;
5. Content restrictions on speech that are reasonably related to legitimate pedagogical purpose, such as classroom rules enacted by teachers.⁴⁶

Finally, the bill states that it must not be construed to grant students the right to disrupt previously scheduled or reserved activities occurring in a traditional public forum.⁴⁷

Other state university provisions

Withholding of transcripts

The bill prohibits a state university from withholding official transcripts from a student because the student owes money to the university.⁴⁸

Admissions and Ohio residents

The bill prohibits a state university from prioritizing the admission of an applicant who is not an Ohio resident over an applicant who is an Ohio resident if both applicants have substantially similar qualifications that satisfy the university's admissions criteria.⁴⁹

Credit for online coursework at other institutions

The bill requires each state university to accept, provide credit for, and apply to a student's degree and requirements for graduation any online coursework a student completes at an institution of higher education with a similar accreditation.⁵⁰

Written statement regarding capital facilities projects

The bill requires each state university to submit to the Chancellor a written statement explaining how a capital facilities project advances the master plan for higher education prescribed under continuing law. A state university must submit that statement prior to the administration of a capital facilities project for the construction, reconstruction, improvement, renovation, enlargement, or alteration of a public improvement within the university.⁵¹

⁴⁶ R.C. 3345.0215(D).

⁴⁷ R.C. 3345.0215(E).

⁴⁸ R.C. 3345.027.

⁴⁹ R.C. 3345.063.

⁵⁰ R.C. 3345.381.

⁵¹ R.C. 3345.52.

K-12 provisions

Career advising policies

The bill requires school districts, community schools, and STEM schools to include in their career advising policies, required under continuing law, information regarding:

1. Career fields that require an associate's degree or other certificate, and not a four-year degree from a college or university; and
2. Ways a student may offset the costs of a post-secondary education, including programs such as the reserve officer training corps.⁵²

Free speech policies

In addition to complying with other state laws regarding religious expression in public schools,⁵³ the bill requires each school district, community school, STEM school, and college-preparatory boarding school to adopt a policy that affirms certain prescribed principles, which the bill specifies are the public policy of this state.⁵⁴

The bill states that those principles, which are similar but not identical to those the bill specifies higher education institutions (see above), are as follows:

1. Students have a fundamental constitutional right to free speech;
2. A district or school must be committed to giving students the broadest possible latitude to speak, write, listen, challenge, learn, and discuss any issue
3. A district or school must be committed to maintaining its buildings as marketplace of ideas for students and teachers in which the free exchange of ideas is not suppressed because the ideas put forth are thought by some or most members of the district's or school's community to be offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed;
4. It is for individual students and teachers to make judgements about ideas for themselves, and to act on those judgements by openly and vigorously contesting the ideas they oppose and not by seeking to suppress free speech;
5. It is not the proper role of a district or school to attempt to shield individuals from free speech, including ideas and opinions they find offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed;
6. Although a district or school should greatly value civility and mutual respect, concerns about civility and respect must not be used by a district or school as a justification for

⁵² R.C. 3313.6020.

⁵³ See R.C. 3320.01 to 3320.03 (as enacted by H.B. 164 of the 133rd General Assembly, effective September 18, 2020), none in the bill.

⁵⁴ R.C. 3314.03(A)(11)(d), 3320.04, 3326.11, and 3328.24.

closing off the discussion of ideas, however offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed those ideas may be to some students or teachers;

7. Although students and teachers are free to state their views about and contest the views expressed on school property, and to state their views about and contest speakers who are invited to express their views on school property, they may not substantially obstruct or otherwise substantially interfere with the freedom of others to express views they reject or even loath. To that end, a district or school has a responsibility to promote lively and fearless freedom of debate and deliberation and protect that freedom.
8. A district or school must be committed to providing an atmosphere that is most conducive to speculation, experimentation, and creation by students and teachers, who must remain free to inquire, study, evaluate, and gain new understanding;
9. The primary responsibility of teachers is to engage an honest, courageous, and persistent effort to search out and communicate the truth that lies in areas of their competence; and
10. Although teachers are free in the classroom to discuss subjects within areas of their competence, teachers also must be cautious in expressing personal views in the classroom and be careful not to introduce matters that have no relationship to the subject taught, and especially matters in which they have no special competence or training and in which, therefore, the teacher's views cannot claim the authority accorded statements they make about subjects within areas of their competence (provided that no teacher will face adverse employment action for classroom speech, unless it is not reasonably germane to the subject matter of the class as broadly construed, and compromises a substantial portion of classroom instruction).⁵⁵

The bill requires the policy be made available to students and teachers annually through one or more of the following methods:

1. Published in the district's or school's student handbook and teacher handbook, whether paper or electronic;
2. A prominent notice on the district's or school's website other than through the electronic publication in the student handbook and teacher handbook;
3. Through the electronic mail address of students and teachers;
4. Orientation programs for new students and teachers.⁵⁶

⁵⁵ R.C. 3320.04(B).

⁵⁶ R.C. 3320.04(E).

The bill also requires a district or school to establish a process under which a student, student group, or teacher may submit a complaint about an alleged violation by an employee of the district's or school's policy. Under the process, the district or school must investigate the alleged violation and conduct a fair and impartial hearing about it. If the hearing determines the policy was violated, the district or school must determine a resolution to address the violation and prevent any further violation of the policy.⁵⁷

The bill specifies that the free speech policies must not be construed as prohibiting a district or school from imposing measures that do not violate the U.S. Constitution or the Ohio Constitution, such as:

1. Constitutional time, place, and manner restrictions;
2. Reasonable viewpoint-neutral restrictions in nonpublic forums;
3. Restrictions on the use of the institution's property to protect the free speech rights of students and teachers and preserve the use of property for the advancement of the institution's mission;
4. Prohibitions or limitations on speech, expression, or assemblies that are not protected under the U.S. or Ohio constitutions;
5. Content restrictions on speech that are reasonably related to legitimate pedagogical purpose, such as classroom rules enacted by teachers.⁵⁸

Finally, the bill states that it must not be construed to grant students the right to disrupt previously scheduled or reserved activities occurring in a traditional public forum.⁵⁹

Apprenticeship subprogram of CCP

The bill creates a subprogram of the College Credit Plus (CCP) program, under which, beginning with the 2022-2023 school year, eligible students may participate in apprenticeship programs that are certified or registered by the United States Department of Labor and not offered by the student's high school. To be eligible for the subprogram, a student must be (1) at least 16 years old, (2) an Ohio resident, and (3) enrolled in a public high school or a chartered nonpublic high school.⁶⁰

Proposal and rule adoption

The bill requires the Chancellor of Higher Education and the Superintendent of Public Instruction, by December 31, 2021, and in consultation with the Director of Development Services and the Administrator of Workers' Compensation, to develop a proposal to implement the subprogram. The proposal must include recommendations on which requirements of the

⁵⁷ R.C. 3320.04(C).

⁵⁸ R.C. 3320.04(D).

⁵⁹ R.C. 3320.04(F).

⁶⁰ R.C. 3365.16(A) and (B).

CCP program should apply to the subprogram. The proposal must then be submitted to the State Board of Education for consideration. Not later than June 30, 2022, upon consideration of that proposal, the State Board must adopt rules to implement the subprogram.

The rules must include at least the following:

1. Requirements that a student must fulfill in order to participate in the subprogram, including a minimum GPA of 2.5 out of a 4.0, or its equivalent;
2. A process by which a student may secure an apprenticeship;
3. An approval process for apprenticeships, including a method for evaluating the educational benefits of each apprenticeship;
4. The maximum number of hours per week a student may work as an apprentice;
5. A method for determining actual costs to a business for participation in the subprogram, including workers' compensation, insurance costs, and training costs;
6. A funding formula for students enrolled in a public high school, including a maximum amount, to pay businesses for costs associated with the subprogram;
7. A funding formula for students enrolled in a chartered nonpublic high school, including a maximum amount, to pay businesses for costs associated with the subprogram;
8. The method for making payments to participating businesses; and
9. A method by which credits for a certificate earned in an apprenticeship under the subprogram may transfer for college credit. However, each college must determine whether or not to accept work credits under the subprogram.⁶¹

Much like under the current CCP program, the bill specifies that, for purposes of the funding formulas described above, payments made for participants enrolled in a public school (school district, community school, STEM school, or college-preparatory boarding school) must be deducted from state operating amounts computed for the student's district or school. Meanwhile, payments made for participants enrolled in a chartered nonpublic school must be made from funds appropriated by the General Assembly for that purpose.⁶²

⁶¹ R.C. 3365.16(C).

⁶² R.C. 3365.16(C)(6) and (7). Also see R.C. 3365.07(F)(1) and (2), not in the bill.

HISTORY

Action	Date
Introduced	03-17-21
