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Substitute Bill Comparative Synopsis

Sub. S.B. 135

134th General Assembly

House Higher Education and Career Readiness

Mike Niemi, Research Analyst

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Passed by the Senate)	Latest Version (I_134_0085-11)
State institutions of higher education – land sales	
No provision.	<p>Authorizes the Director of Administrative Services to sell state-owned land, held for the benefit of a state institution of higher education, provided:</p> <ol style="list-style-type: none"> 1. The institution’s board of trustees adopts a resolution approving the sale; 2. The land is appraised at not more than \$10 million by an independent third-party appraiser; and 3. The Controlling Board approves the sale (<i>R.C. 123.01</i>).

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Uniform Prudent Management of Institutional Funds	
Revises the annual spending standards from endowment funds for state institutions of higher education, from spending not greater than 5% creating an irrebuttable presumption of prudence, to spending exceeding 7% creating a rebuttable presumption of imprudence (<i>R.C. 1715.53(D) and (E)</i>).	No provision.
Authorizes the person that transferred the property under the endowment agreement or the person’s legal representative to notify the Attorney General if the state institution of higher education violates a restriction contained in an endowment agreement on the management, investment, or purpose of the endowment fund (<i>R.C. 1715.51 and 1715.551(A)</i>).	No provision.
Provides that if a person gives notice to the Attorney General, as described above, and if, 180 days after receiving the notice, the Attorney General has not obtained full compliance with the restriction, and restitution to the endowment fund of property approximately equal to any value lost due to the violated restriction, the person can file a court action (<i>R.C. 1715.551(B)(1)</i>).	No provision.
Establishes standing for the person that transferred the property or the person’s legal representative, which is defined as the administrator or executor of a person’s estate, surviving spouse, or a person designated in the endowment agreement, only after the condition described above is met (<i>R.C. 1715.51 and 1715.551(B)(1)</i>).	No provision.
Authorizes the complaint to be filed regardless of whether the endowment agreement expressly reserves a right to sue or enforce (<i>R.C. 1715.551(B)(2)(a)</i>).	No provision.

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Prohibits a complaint from seeking a judgment awarding damages to the plaintiff <i>(R.C. 1715.551(B)(2)(b))</i> .	No provision.
Authorizes the Attorney General to enforce the interests of the beneficiaries of an endowment agreement by filing a complaint for breach or to obtain a declaration of rights and duties expressed in the agreement and as to all of the actions it contemplates, including the interpretation, performance, and enforcement of the agreement and determination of its validity <i>(R.C. 1715.551(C))</i> .	No provision.
Authorizes a state institution of higher education to obtain a judicial declaration of rights and duties expressed in an endowment agreement and as to all of the actions it contemplates, including the interpretation, performance, and enforcement of the agreement and determination of its validity <i>(R.C. 1715.551(D))</i> .	No provision.
Requires that if the Attorney General or state institution of higher education files the complaint within 50 years after the effective date of the endowment agreement, the complaint must name as parties each person who transferred property under the agreement or the legal representative of each person, if the persons or legal representatives can be located and identified after diligent inquiry <i>(R.C. 1715.551(E))</i> .	No provision.
Authorizes the court to order one or more prescribed remedies if it determines that the state institution of higher education violated a restriction in an endowment agreement on the management, investment, or purpose of an endowment fund <i>(R.C. 1715.551(H))</i> .	No provision.
Establishes a statute of limitations of six years for a person to file a complaint after discovery of the accrual of the cause of action <i>(R.C. 1715.551(J))</i> .	No provision.

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<p>Authorizes the estate of a decedent who transferred property under an endowment agreement to be reopened for the purpose of appointing an administrator to file a complaint authorized under the bill, if the applicant to reopen is a surviving spouse or one generation below <i>(R.C. 1715.551(K))</i>.</p>	<p>No provision.</p>
<p>Informational materials regarding college cost savings</p>	
<p>Requires the Chancellor of Higher Education to develop informational materials that illustrate cost savings estimates, based on tuition and total cost of attendance, for:</p> <ol style="list-style-type: none"> 1. The Reserve Officer Training Corps; 2. The College Credit Plus Program; 3. The Ohio Guaranteed Transfer Pathways Initiative; and 4. Joint academic programming or dual enrollment opportunities <i>(R.C. 3313.6020(A)(10))</i>. 	<p>Same, but removes the requirement that the estimates be based on tuition and total cost of attendance <i>(R.C. 3313.6020(A)(10))</i>.</p>
<p>Free speech policies in K-12 public schools</p>	
<p>Requires each school district, community school, STEM school, and college-preparatory boarding school to adopt a policy affirming specified principles of free speech, prescribing a grievance procedure for students or teachers who feel those principles have been violated, and prescribing reporting requirements regarding complaints <i>(R.C. 3320.04; conforming in R.C. 3314.03(A)(11)(d), 3326.11, and 3328.24)</i>.</p>	<p>No provision.</p>

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Chancellor's approval of degree programs	
Requires the Chancellor, when considering the approval of a new degree program for a state institution of higher education, to take into account the extent to which the program aligns with in-demand jobs (<i>R.C. 3333.04(N)</i>).	Same, but replaces "in-demand jobs" with "the state's workforce development priorities" (<i>R.C. 3333.04(N)</i>).
State share of instruction and in-demand jobs	
Requires the Chancellor to: <ol style="list-style-type: none"> 1. Issue a biennial report on the extent to which degree and certificate attainment at state institutions of higher education align with in-demand jobs; and 2. Consider the report's findings and whether to change the weights and allocations in the state share of instruction formula to ensure alignment (<i>R.C. 3333.0418</i>). 	No provision.
Chancellor's reports regarding admissions, tuition and general fee revenue, and mental health and wellness initiatives	
Requires the Chancellor to annually issue all of the following, to the extent practicable: <ol style="list-style-type: none"> 1. A report regarding student admissions to state institutions of higher education during the academic year that includes prescribed information; 2. A report regarding the revenue state institutions received from tuition and general fees during the academic year and how the institutions used that revenue; 3. A report about the mental health and wellness services and initiatives of state institutions, including: 	Same, but removes certain reports as noted below. <p>No provision.</p> <p>No provision.</p> <p>Same.</p>

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<p>a. A description of each institution’s services and initiatives;</p> <p>b. An analysis of how much funding each institution dedicates to those services and initiatives;</p> <p>c. An analysis of the aggregate amount of funding state institutions dedicate to those service sand initiatives;</p> <p>d. Any other information the Chancellor determines appropriate (<i>R.C. 3333.0419(B)</i>).</p> <p>Requires each state institution to annually issue a report similar to the student admissions and revenue received from tuition and general fee reports the Chancellor must issue (<i>R.C. 3333.0419(D)</i>).</p>	<p>Same.</p> <p>Same, but replaces “An analysis” with “A summary.”</p> <p>No provision.</p> <p>Same (<i>R.C. 3333.0418(B)</i>).</p> <p>No provision.</p>
Bachelor’s degrees at community colleges	
<p>Requires the Chancellor of Higher Education to approve nursing bachelor’s degree programs at community colleges, state community colleges, and technical colleges if they meet the requirements under continuing law for an applied bachelor’s degree and the Chancellor’s standards and procedures for academic program approval (<i>R.C. 3333.051; conforming in R.C. 3354.01, 3357.09, and 3358.01</i>).</p> <p>Eliminates a requirement for the Chancellor to consult with prescribed stakeholders prior to approving an applied bachelor’s degree program at a community college, state community college, or technical college (<i>R.C. 3333.051(B)</i>).</p>	<p>No provision.</p> <p>(A similar provision was enacted in H.B. 110 of the 134th General Assembly, effective September 30, 2021.)</p> <p>No provision.</p> <p>(An identical provision was enacted in H.B. 110 of the 134th General Assembly, effective September 30, 2021.)</p>

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Chancellor’s authority regarding degree programs with low completion rates	
<p>Permits the Chancellor to suspend or limit enrollment in any degree program offered by any state institution of higher education if the Chancellor determines the program has a low completion rate at that institution (<i>R.C. 3333.073</i>).</p> <p>No provision.</p> <p>Permits the Chancellor to adopt rules to implement the provision (<i>R.C. 3333.073</i>).</p>	<p>No provision.</p> <p>Permits the Chancellor to require a state institution to conduct, and submit to the Chancellor, a viability analysis of any program the institution offers if the Chancellor determines the program has a low completion rate, has a low enrollment rate, or meets other criteria determined relevant by the Chancellor (<i>R.C. 3333.073</i>).</p> <p>Same (<i>R.C. 3333.073</i>).</p>
Supplemental OCOG grants	
<p>Requires the Chancellor to provide students who receive an Ohio College Opportunity Grant (OCOG) award in accordance with continuing law, and who also meet other eligibility criteria prescribed under the bill, with a supplement grant from the funds appropriated for OCOG (<i>R.C. 3333.125</i>).</p>	<p>Same, but makes the awarding of supplemental grants contingent on whether the Chancellor determines sufficient funds remain after awarding OCOG grants (<i>R.C. 3333.126</i>).</p>
Second Chance Program	
<p>Requires the Chancellor to establish the Second Chance Grant Pilot Program to operate in the 2021-2022 and 2022-2023 academic years and to provide a one-time grant of \$2,000 to each “eligible student” approved to participate (<i>R.C. 3333.126(B)</i>).</p>	<p>Same, but with the following changes:</p> <ol style="list-style-type: none"> 1. Renames the program the Second Chance Grant Program; 2. Eliminates the restriction that limited the program to operating in the 2021-2022 and 2022-2023 academic years; and

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	3. Specifies that the grant amount be not more than \$2,000 (<i>R.C. 3333.127(B)</i>).
Specifies that an eligible student is a student who:	
1. Is an Ohio resident;	Same.
2. Has not attained a bachelor’s degree from a “qualifying institution” or an institution of higher education in another state;	Same.
3. Disenrolled from a state university while in good standing and did not transfer to a “qualifying institution” or an institution of higher education in another state in the three semesters following that disenrollment;	Same, but with the following changes: <ol style="list-style-type: none"> 1. Replaces state university with “qualifying institution”; and 2. Changes three semesters to two semesters.
3. Enrolls in a “qualifying institution” within five years of disenrolling from a state university;	Same, but replaces “state university” with “qualifying institution.”
4. Is not enrolled in College Credit Plus;	Same.
5. Meets other eligibility criteria determined necessary by the Chancellor (<i>R.C. 3333.126(A)(2)</i>).	Same (<i>R.C. 3333.127(A)(2)</i>).
Prohibits the Chancellor from approving more than 3,000 applicants to participate in the program (<i>R.C. 3333.127(C)</i>).	No provision.
Requires the Chancellor, in each academic year, to submit to the General Assembly a report that contains:	Same.
1. The number of eligible students participating who received a grant in that academic year;	Same.

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<p>2. The state universities from which the participants disenrolled;</p> <p>3. The types of academic programs in which the participants were enrolled prior to disenrolling from state universities;</p> <p>4. The types of academic programs in which participants enrolled when they received grants under the program; and</p> <p>5. Information regarding how the grants were used (<i>R.C. 3333.126(E)</i>).</p> <p>No provision.</p>	<p>Same, but replaces “state universities” with “qualifying institutions.”</p> <p>Same, but replaces “state universities” with “qualifying institutions.”</p> <p>Same.</p> <p>Same.</p> <p>6. If the participant completed a degree program with the grant (<i>R.C. 3333.127(E)</i>).</p>

Report regarding tuition, fees, cost of attendance, and post-graduate outcomes

Requires each state institution of higher education to annually prepare and post on its website a report that includes:

1. An itemized list of tuition and fees applicable to students;
2. The estimated or average cost of attendance;
3. Student degree completion rates;
4. Post-graduation student debt rates;
5. Post-graduation employment rates of students (*R.C. 3345.024(A)*).

Requires a state institution to collect available information from its alumni regarding student degree completion rates, post-graduation debt rates, and post-graduation employment rates and to include in the report the overall rates and rates disaggregated by certain other factors (*R.C. 3345.024(A)(5), second paragraph*).

Same, but also requires the report to include post-graduation student loan default rates (*R.C. 3345.024(A)*).

No provision.

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<p>Requires each state institution to provide prospective students and their parents or guardians with a copy of the most recent report (R.C. 3345.024(B)).</p> <p>Requires each state institution to submit to the Chancellor the data used to prepare the report so that the Chancellor may issue, and submit to the General Assembly, an annual report containing similar information for all state institutions (R.C. 3345.024(C)).</p> <p>Requires the Chancellor to adopt rules to implement the provision (R.C. 3345.024(D)).</p>	<p>No provision.</p> <p>Requires each state institution annually to submit a copy of its report to the Chancellor so that the Chancellor may post it on the Chancellor's website (R.C. 3345.024(B)).</p> <p>Permits the Chancellor to adopt rules to implement the provision (R.C. 3345.024(C)).</p>
Prohibition on withholding student transcripts	
<p>Prohibits a state institution of higher education from withholding a student's official transcripts from a potential employer because the student owes money to the institution if the student authorizes the transcripts to be sent and the employer affirms the transcripts are a prerequisite of employment (R.C. 3345.027).</p>	<p>No provision.</p> <p>(An identical provision was enacted in H.B. 110 of the 134th General Assembly, effective September 30, 2021.)</p>
Free speech policies in state institutions of higher education	
<p>Requires each state institution of higher education to adopt a policy affirming the following specified principles of free speech and prescribing a grievance procedure for students or teachers who feel those principles have been violated:</p> <ol style="list-style-type: none"> 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, though that does not constrain a 	<p>Same.</p> <p>Same.</p> <p>Replaces "broadest possible" with "broad."</p>

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state institution from imposing prescribed measures that do not violate the free speech rights protected under the U.S. and Ohio constitutions;	
3. A state institution must be committed to maintaining its school buildings as a marketplace of ideas in which the free exchange of ideas is not suppressed because the ideas are thought to be offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed;	Same.
4. Individual students and faculty must make judgements about ideas for themselves and act on those judgements not by seeking to suppress free speech but by contesting ideas they oppose;	Same.
5. It is not the proper role of a state institution to attempt to shield individuals from free speech, including ideas and opinions it finds offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed;	Same.
6. While a state institution should greatly value civility and mutual respect, it must not use concerns about civility and mutual respect 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;	Same.
7. While students and faculty are free to state their views and contest views expressed on campus, and to state their own views about and contest speakers who are invited to express their views on campus, they may not substantially obstruct or	Same.

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<p>interfere with the freedom of others to express views they reject or loathe;</p> <p>8. A state institution must be committed to providing an atmosphere that is conducive to speculation, experimentation, and creation by students and faculty so that they remain free to inquire, to study and to evaluate, and to gain new understanding; and</p> <p>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 the areas of their competence (R.C. 3345.0215(B)).</p>	<p>Same.</p> <p>Same (R.C. 3345.0215(B)).</p>
Evaluation of courses and programs	
<p>No provision.</p>	<p>Changes from every five years to every three years the frequency with which a state institution of higher education must, in accordance with continuing law, evaluate its programs based on enrollment and duplication with other state institutions in the region (R.C. 3345.35).</p>
Written statement regarding capital facilities projects	
<p>Requires each state institution of higher education, prior to the commencement of certain capital facilities projects, to submit to the Chancellor a written statement explaining how the project advances the master plan for higher education in Ohio (R.C. 3345.52).</p>	<p>No provision.</p>

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Apprenticeships for high school students	
Establishes a College Credit Plus subprogram, beginning in the 2022-2023 school year, to permit students to participate in an apprenticeship program not offered by the student's school (<i>R.C. 3365.16</i>).	No provision.
No provision.	Requires the Superintendent of Public Instruction, in consultation with the Chancellor and the Director of Job and Family Services, to develop a proposal to implement a statewide apprenticeship program for high school students on a pathway to employment upon graduation or enrollment in a postsecondary educational institution (<i>Section 3(A)</i>).
No provision.	Permits the state Superintendent, in consultation with the Chancellor and Director, to include appropriate stakeholders in the proposal's development (<i>Section 3(A)</i>).
No provision.	Requires the state Superintendent, the Chancellor, the Director, and participating stakeholders to consider at least a prescribed set of factors in developing the proposal (<i>Section 3(B)</i>).
No provision.	Requires the state Superintendent, the Chancellor, and the Director to submit the proposal to the State Board of Education by November 1, 2022 (<i>Section 3(C)</i>).
Property tax exemption for qualified renewable energy facilities	
No provision.	Modifies one of the requirements for continuing law's property tax exemption for qualified renewable energy facilities. To qualify for exemption under current law, the owner or lessee of qualified facilities above a certain generation capacity must coordinate with a university or certified apprenticeship program to train individuals for careers in wind or solar energy. The bill expands the entities with which a facility

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	owner or lessee may coordinate, to include career-technical centers, joint vocational school districts, and training centers (<i>R.C. 5727.75(F)(7)</i>).
Federal funds and community colleges	
Requires the Chancellor, to the extent permitted by federal law, to distribute to community colleges, state community colleges, and technical colleges any unused funds from the Coronavirus Aid, Relief, and Economic Security Act to support students enrolled in qualifying certificate or credential programs (<i>Section 3</i>).	No provision.
Reappropriates funds for Second Chance Grant Program	
Appropriates funds in FY 2022 for the Second Chance Grant Pilot Program to be distributed by the Chancellor to qualifying institutions of higher education and Ohio Technical Centers to provide grants to eligible students (<i>Section 381.480 of H.B. 110 of the 134th General Assembly, as amended in Sections 4 and 5</i>).	Same, but also requires the Chancellor to certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the appropriation at the end of FY 2022 to be reappropriated for FY 2023 (<i>Section 381.480 of H.B. 110 of the 134th General Assembly, as amended in Sections 4 and 5</i>).