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S.B. 104
135th General Assembly

Bill Analysis

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Version: As Passed by the House

Primary Sponsors: Sens. Cirino and Brenner

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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 biological sex or the female biological sex.
- Prohibits schools and ESCs from permitting members of the female biological sex to use a student restroom, locker room, changing room, or shower room that is designated for the male biological sex and vice versa.
- Prohibits institutions of higher education from *knowingly* permitting members of the female biological sex to use a student restroom, locker room, changing room, or shower room that is designated for the male biological sex and vice versa.
- Prohibits schools and ESCs from permitting members of the female biological sex to share overnight accommodations with members of the male biological sex.
- Entitles this portion of the bill the "Protect All Students Act."

DETAILED ANALYSIS

College Credit Plus Program

The bill revises the operations of the College Credit Plus (CCP) Program, including regarding requirements for students, public and chartered nonpublic schools, public and private colleges, and the Chancellor of Higher Education and the Department of Education and Workforce.

CCP allows students in grades 7-12 who are enrolled in public or nonpublic high schools or who are home-instructed to enroll in nonsectarian college courses to receive high school and college credit. CCP courses may be taken at any state institution of higher education or participating private institution of higher education.¹

Student application deadline

The bill adds the option for a student or a student's parent to inform the student's school of the student's intent to participate in CCP in the next semester by November 1 preceding that semester. Current law requires a student or parent to notify the school by April 1 of the intent to participate in the next school year. The bill 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.²

School and college requirements

CCP forms

The bill requires a public or chartered nonpublic school to use CCP forms developed by the Chancellor and the Department. Furthermore, it prohibits the schools from modifying those forms without prior approval from the Chancellor and the Department.³

Orientation

The bill 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.⁴

State requirements

Alternative instructor credentialing

The bill 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 within six months of the bill's effective date. Current law already requires the Chancellor to establish credential requirements to teach under CCP. Generally, according to the Department of Higher Education's website, accessible

¹ See R.C. Chapter 3365.

² R.C. 3365.03(A).

³ R.C. 3365.04(H).

⁴ R.C. 3365.05(I).

at: www.highered.ohio.gov, in general a teacher must have a master's degree or a master's plus 18 graduate semester hours in a discipline to teach a CCP course.⁵

Monitoring and compliance

The bill 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.⁶

Auditor of State report

The bill 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.⁷

State report card

The bill requires the Department to include on the state report card report-only, nonrated data about whether a public school provides information about and promotes CCP as required under continuing law. That must be notated with a "yes" or "no."⁸

Annual Report

The bill requires the Chancellor and Department to submit jointly an annual report on the outcomes of CCP by December 31 of each year. Current law requires the annual report to be submitted through December 2023, rather than an ongoing annual basis. Continuing law requires the report to be supported by empirical evidence and be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairpersons of the Senate and House Education committees.⁹

Single-sex facilities and accommodations

The bill requires school districts, community schools, STEM schools, chartered nonpublic schools, educational service centers (ESCs) and institutions of higher education to designate certain facilities for single-sex use. Under the bill, an "institution of higher education" is a state university, a state university branch campus, a community, state community, or technical college, a private nonprofit college or university, or a private for-profit career college or school.

Specifically, each student restroom, locker room, changing room, or shower room that is accessible by multiple students at the same time must be designated for the exclusive use of

⁵ R.C. 3365.11(B). See also [Teacher Credentialing for College Credit Plus](http://www.highered.ohio.gov), accessible at: www.highered.ohio.gov.

⁶ R.C. 3365.14(A).

⁷ R.C. 3365.14(B).

⁸ R.C. 3302.03(D)(2)(k).

⁹ R.C. 3365.15(C).

students of either the male biological sex or the female biological sex. For a district, school, or ESC, that provision applies to such rooms whether they are located in a school building or a facility for a school-sponsored activity. Institutions of higher education are specifically required to use clear signage to make such designations.

The bill prohibits districts, schools, and ESCs from permitting members of the female biological sex to use a student restroom, locker room, changing room, or shower room that is designated for the male biological sex and vice versa. Institutions of higher education are prohibited from doing so *knowingly*. Additionally, districts, schools, and ESCs are prohibited from permitting members of the female biological sex to share overnight accommodations with members of the male biological sex and vice versa.

Under the bill, “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 bill 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.

The bill also prohibits districts, schools, ESCs, and institutions of higher education 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. Under the bill, 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 bill is a family restroom or shower room that does not have more than one toilet or shower.

The bill’s prohibitions do not prevent a district, school, or ESC from establishing policies to provide accommodations upon student request due to special circumstances. Accommodations may include permitting students to use single-occupancy facilities or controlled use of faculty facilities. The bill’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 bill requires any policy adopted by an institution in accordance with the bill to provide an option for alternative accommodations, including the use of single-occupancy facilities or faculty facilities.

Finally, the bill 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;
- 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.¹⁰

HISTORY

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

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¹⁰ R.C. 3319.90 and 3345.90; see conforming changes in R.C. 3314.03(A)(11)(d) and 3326.11. See also R.C. 3345.19, not in the bill.