

**Ohio Federation Teachers  
Legislative Report**

Prepared by: Darold Johnson  
Report created on March 22, 2011

**HB21 INTERNET-BASED COMMUNITY SCHOOLS** (COMBS, C) To allow new Internet- or computer-based community schools to open under certain conditions, to require the use of student performance data in evaluating teachers and principals for licensure, and to qualify Teach for America participants for a professional educator license.

*Current Status:* 3/22/2011 - **PASSED BY HOUSE**; Vote 64-32

*Comments:* None

*Categories:* Education, Science & Technology

*Position:* Neutral/oppose intro bill

*Priority:* None

**HB30 SCHOOL FUNDING** (GARDNER, R) To eliminate spending and reporting requirements related to the school funding system, to abolish the School Funding Advisory Council, to eliminate the requirement that school districts offer all-day kindergarten, to eliminate the requirement that schools establish family and civic engagement teams, and to reduce to three years the period covered by financial forecasts of school districts, community schools, and STEM schools.

*Current Status:* 3/18/2011 - Sent to Governor for Signature

*Comments:* None

*Categories:* Education

*Position:* Oppose

*Priority:* None

**HB36 SCHOOL CALAMITY DAYS** (KOZLOWSKI, C) To excuse up to five, instead of three, calamity days for the 2010-2011 school year, to broaden schools' authority to make up calamity days by lengthening remaining days in the school year, and to declare an emergency.

*Current Status:* 3/22/2011 - **PASSED BY SENATE**; Vote 32-1  
Emergency 28-5

*Comments:* None

*Categories:* None

*Position:* Neutral

*Priority:* None

**HB38 ASSAULT OF SCHOOL SECURITY GUARD** (LUCKIE II, C) To impose the same criminal penalties for assaulting a school security

guard as are imposed for assaulting a school teacher.

*Current Status:* 2/23/2011 - House Criminal Justice, (First Hearing)

*Comments:* None

*Categories:* Crime & Punishment, Education

*Position:* Support

*Priority:* None

**HB39 PROPRIETARY SCHOOLS** (LUCKIE II, C) To make changes to the laws regarding proprietary schools.

*Current Status:* 2/16/2011 - House Education, (First Hearing)

*Comments:* None

*Categories:* Education

*Position:* Undetermined

*Priority:* None

**HB55 CAMPAIGN CONTRIBUTIONS** (GOYAL, J) To regulate independent expenditures by corporations, labor organizations, and entities the primary purpose of which are to accept corporate or labor organization funds for use in making independent expenditures and to prohibit contributions made for the purpose of influencing a ballot issue from being made to or accepting by an entity that is not subject to campaign finance reporting requirements.

*Current Status:* 2/1/2011 - Referred to Committee House State Government and Elections

*Comments:* None

*Categories:* Campaigns & Elections

*Position:* Support

*Priority:* None

**HB61 COMPENSATORY TIME OFF** (THOMPSON, A) To give private employers the option to offer and employees the option to accrue and use compensatory time off in lieu of monetary overtime compensation.

*Current Status:* 2/24/2011 - **SUBSTITUTE BILL ACCEPTED & REPORTED OUT**, House Economic and Small Business Development, (Fourth Hearing)

*Comments:* None

*Categories:* Business & Corporate

*Position:* Oppose

*Priority:* None

- HB69 STATE RETIREMENT SYSTEMS** (WACHTMANN, L) Regarding the state retirement systems.  
*Current Status:* 3/23/2011 - House Health and Aging Retirement and Pensions Subcommittee, (Eleventh Hearing)  
*Comments:* None  
*Categories:* Pension & Retirement System  
*Position:* Undetermined  
*Priority:* None
- HB74 WAR ORPHANS SCHOLARSHIP** (WACHTMANN, L) To qualify for the War Orphans Scholarship children of military veterans who served in Grenada during the intervention.  
*Current Status:* 2/1/2011 - Referred to Committee House Veteran's Affairs  
*Comments:* None  
*Categories:* Education, Military Affairs, Veterans  
*Position:* Undetermined  
*Priority:* None
- HB96 DYSLEXIA** (CELESTE, T) To specify dyslexia as a specific learning disability and to require a pilot project to provide early screening and intervention services for children with dyslexia.  
*Current Status:* 3/16/2011 - House Education, (Third Hearing)  
*Comments:* None  
*Categories:* Education  
*Position:* Support  
*Priority:* None
- HB102 LABOR REQUIREMENTS** (YOUNG, R) To prohibit state agencies from requiring or prohibiting certain labor requirements as a condition of performing public works and to prohibit the appropriation of state funds for public works when political subdivisions require or prohibit certain labor requirements.  
*Current Status:* 3/2/2011 - **SUBSTITUTE BILL ACCEPTED**, House Commerce & Labor, (Second Hearing)  
*Comments:* None  
*Categories:* Business & Corporate, Jobs, Labor, Occupations & Professions  
*Position:* Oppose  
*Priority:* None

**HB103 ADDRESS CONFIDENTIALITY (CLYDE, K)** To establish an address confidentiality program for individuals who reasonably believe that they are in danger of being threatened or physically harmed by another person, to exclude the residential and familial information of a federal law enforcement officer from the definition of a public record, to include federal law enforcement officers among the protected individuals who are authorized to request a public office other than the county auditor to redact the person's address from any record made available to the general public on the internet, and to include those officers among the protected individuals who may request the county auditor to replace the person's name with the person's initials on the general tax list and duplicate.

*Current Status:* 3/1/2011 - House Judiciary and Ethics, (First Hearing)

*Comments:* None

*Categories:* Federal Issues, Public Safety, State Government

*Position:* Support

*Priority:* None

**HB113 TAXPAYER'S RIGHT TO KNOW ACT (LUNDY, M)** To enact "The Taxpayer's Right to Know Act," specifying that records of public-private partnerships that perform or assist with state functions are public records, and such entities must conduct business in open meetings.

*Current Status:* 2/22/2011 - Referred to Committee House State Government and Elections

*Comments:* None

*Categories:* Taxation

*Position:* Support

*Priority:* None

**HB115 EDUCATIONAL CHOICE SCHOLARSHIPS (STEBELTON, G)** To gradually increase to 20,000 the number of Educational Choice Scholarships awarded annually.

*Current Status:* 3/2/2011 - House Education, (First Hearing)

*Comments:* None

*Categories:* Education

*Position:* Oppose

*Priority:* None

**HB116 SCHOOL ANTI-BULLYING ACT (BARNES, JR., J)** To enact the

School Day Security and Anti-Bullying Act to require age-appropriate instruction on and parental notification of public schools' policies prohibiting harassment, intimidation, or bullying.

*Current Status:* 3/2/2011 - House Education, (First Hearing)

*Comments:* None

*Categories:* Education

*Position:* Undetermined

*Priority:* None

**HB131 EMPLOYMENT RELATED MATTERS (REECE, A)** To prohibit employers from using a consumer report or investigative consumer report for employment purposes.

*Current Status:* 3/2/2011 - Referred to Committee House  
Commerce & Labor

*Comments:* None

*Categories:* Business & Corporate

*Position:* Undetermined

*Priority:* None

**HB135 FREE SCHOOL MEAL BENEFITS (BURKE, D)** To require direct certification of students for free school meal benefits at least five times each school year.

*Current Status:* 3/16/2011 - House Education, (Second Hearing)

*Comments:* None

*Categories:* Children and Family Issues, Education

*Position:* Oppose

*Priority:* None

**HB136 PARENTAL CHOICE AND TAXPAYER SAVINGS SCHOLARSHIP PROGRAM (HUFFMAN, M)** To replace the Educational Choice and the Cleveland scholarship program with the Parental Choice and Taxpayer Savings Scholarship Program and to establish the Special Education Scholarship Program.

*Current Status:* 3/16/2011 - House Education, (Second Hearing)

*Comments:* None

*Categories:* Education, Taxation

*Position:* Oppose

*Priority:* None

**SB3 PUBLIC PENSION SYSTEMS (FABER, K)** To implement changes to modernize Ohio's five public pension systems, to balance their income

and expenditures within a 30 year timeframe.

*Current Status:* 3/24/2011 - Senate Government Oversight & Reform, (Second Hearing)

*Comments:* None

*Categories:* Pension & Retirement System, Public Employees

*Position:* Undetermined

*Priority:* None

**SB5 COLLECTIVE BARGAINING REFORM (JONES, S)** To make changes to Ohio's Collective Bargaining Law, which was first enacted in 1983.

*Current Status:* 3/17/2011 - House Commerce & Labor, (Sixth Hearing)

*Comments:* None

*Categories:* Labor, State Government

*Position:* Oppose

*Priority:* None

**SB9 ELIMINATE ALL DAY KINDERGARTEN (MANNING, G)** To eliminate the requirement that school districts offer all-day kindergarten and to allow public schools to continue charging tuition for all-day kindergarten.

*Current Status:* 3/10/2011 - Referred to Committee House Education

*Comments:* None

*Categories:* Education

*Position:* Oppose

*Priority:* None

**SB32 TRIO FUNDS APPROPRIATION (TAVARES, C)** To make an appropriation for the provision of state matching funds for federal TRIO programs at Ohio institutions of higher education for FY 2011 and FY 2012.

*Current Status:* 2/2/2011 - Referred to Committee Senate Finance

*Comments:* None

*Categories:* Budget and Appropriations, Federal Issues, Higher Education, State Government

*Position:* Support

*Priority:* None

**SB67 PUBLIC COLLEGE PREP. BOARDING SCHOOLS (CATES, G)** To permit the establishment of public college-preparatory boarding

schools for at-risk students to be operated by private nonprofit entities.

*Current Status:* 2/16/2011 - Referred to Committee Senate Education

*Comments:* None

*Categories:* Education, Higher Education

*Position:* Monitor

*Priority:* None

**SB81**     **TEACH FOR AMERICA** (CATES, G) To qualify Teach for America participants for a resident educator license.

*Current Status:* 3/22/2011 - **PASSED BY SENATE**; Amended; Vote 25-8

*Comments:* None

*Categories:* Education, Transportation & Infrastructure

*Position:* Neutral

*Priority:* None

**SB86**     **COMMUNITY SCHOOL - DYS ADULTS** (SAWYER, T) To permit the establishment of a community school to serve adults of school age who are incarcerated or who have been released from the custody of the Department of Youth Services abed to declare an emergency.

*Current Status:* 3/22/2011 - Senate Education, (Third Hearing)

*Comments:* None

*Categories:* Crime & Punishment, Education

*Position:* Monitor

*Priority:* None

**SB89**     **LABOR REQUIREMENTS** (JORDAN, K) To prohibit state agencies from requiring or prohibiting certain labor requirements as a condition of performing public works and prohibit the appropriations of state funds for public works when political subdivisions require or prohibit certain labor.

*Current Status:* 3/8/2011 - Referred to Committee Senate Joint Committee on Agency Rule Review

*Comments:* None

*Categories:* Labor

*Position:* Oppose

*Priority:* None

**Week in Review**

Friday, March 18, 2011

## **FY12-13 BUDGET**

Just days before the Kasich administration released its FY12-13 budget, figures from the Office of Budget and Management (OBM) showed revenues continue to come in over estimate -- \$470 million or 4.5 percent over so far this fiscal year and nearly \$27.1 million or 2.8 percent over in the February.

A recent report from Policy Matters Ohio (PMO) finds that Ohio has already seen a decline in the capacity of state government to deliver basic public services in disparate areas ranging from tax appeals to policing the ethics of public officials.

Gov. John Kasich and his cabinet rolled out the FY12-13 executive budget proposal Tuesday, a plan whose genesis he said stretched back far beyond the nine weeks he'd been in office, with he and his inner circle having started discussing it three years ago. After a press briefing in the afternoon, Kasich and his cabinet went to a live-broadcast town hall meeting for a broader introduction of the budget and a public question period. Budget Director Tim Keen said the budget aims to improve economic competitiveness, end the structural imbalance, reform government and preserve a safety net for the most vulnerable. General Revenue Fund spending increases 1 percent in FY12 and 6 percent in FY13 under the proposal. Schools and universities get more state formula assistance but less money overall because the budget proposal would not replace federal stimulus money. The K-12 education budget also accelerates the phase-out of payments to make up for loss of Tangible Personal Property Tax revenue, and it expands school choice options, eliminates seniority-based teacher layoffs and allows reconstitution of failing schools. University tuition increases would be capped at 3.5 percent but institutions would be able to pursue the option of becoming charter universities, which get less funding but also have freedom from state regulations. The budget seeks \$1.4 billion in Medicaid savings by restructuring the program, cutting nursing home rates by 7 percent, reforming the payment system and other changes. The budget proposes also proposes sentencing reforms, the sale of five prisons and the leasing of the state's liquor enterprise to JobsOhio, which would provide a revenue stream for the new entity to do economic development deals. Local governments take a large hit with Local Government Fund payments cut 25 percent in FY12 and an additional 25 percent in FY13, while libraries take a 5 percent cut. But Kasich said the budget tries to make up for that by providing flexibility to local governments, including single-prime contracting, blanket authority for shared services and a shifting of pension costs from employers to employees, among other things.

Budget Director Tim Keen spent three hours before the House Finance and Appropriations Committee at the opening of budget hearings, saying of the 59 agencies funded in FY11, 44 take a cut in FY12, seven are flat-funded, and eight get an increase, including one new agency. He said the GRF budget proposes spending \$26.9 billion in FY12 and \$28.6 billion in FY13, while the all-funds budget is \$59.4 billion in FY12 and \$60.2 billion in FY13. Noting that GRF spending is up from the FY10-11 budget, Keen said part of that is driven by transferring PASSPORT money from the Department of Aging, where the federal Medicaid match is not included in the GRF, to the Department of Job and Family Services, where Medicaid match dollars are included in GRF.

The reactions to Gov. John Kasich's budget at a Columbus Metropolitan Club forum were mixed Wednesday. Curt Steiner, a former top official at Ohio State University and senior aide to George Voinovich, said the proposal provides Kasich's administration is full of "serious people who have some serious ideas," while ProgressOhio Director Brian Rothenberg riffed on Kasich's frequent invocation of President Kennedy, saying "a rising tide lifts all yachts."

Office of Health Transformation Director Greg Moody and several cabinet directors explained proposed changes for Medicaid in the budget Thursday to the House Finance and Appropriations Committee, saying the package is driven by a desire for better health outcomes for Medicaid patients and savings for taxpayers. The panel's presentation made clear that some provisions of the federal Affordable Care Act provide options useful to the state's Medicaid plan, particularly the federal emphasis on "medical homes" to coordinate care.

Job and Family Services Director Michael Colbert also briefed the House Finance and Appropriations Committee on Thursday, detailing the non-Medicaid proposals in his department's budget. Those include cuts in subsidized child care, including a drop in provider payments and a restriction of eligibility, though he said no one currently in the program will be cut. He said the state tried to provide counties as much funding flexibility as possible to help deal with cuts. He also noted the budget does not include interest payments the state will owe for money it borrowed to cover a deficit in unemployment compensation funding, saying negotiations between state and federal leaders pose the "high possibility" the payments won't have to be made.

## CENSUS

Columbus is officially the largest city in Ohio, growing while Ohio's other large cities lost population over the last decade, according to the U.S. Census Bureau, which released detailed 2010 population totals and demographic characteristics on Wednesday. Columbus has a population of 787,033, growing 10.6 percent since the 2000 Census. Cleveland is second with 396,815 residents, but lost 17.1 percent of its population over the last decade. Following up were Cincinnati (296,943 residents, 10.4 percent population loss since 2000), Toledo (287,208, 8.4 percent loss), and Akron (199,110, 8.3 percent loss).

## CHILDREN

**Crystal Ward Allen, executive director for Public Children Services Association of Ohio (PCSAO), told the U.S. Senate Finance Committee in testimony last week that Ohio's federal child welfare funding waiver is "critical to improving outcomes for Ohio's children, and an important step toward aggressively reforming child welfare financing nationally." Federal data from the Adoption and Foster Care Analysis and Reporting System (AFCARS) shows four of the five highest performing states, including Ohio, have "safely reduced" the number of children experiencing the trauma of foster care.**

## COLLECTIVE BARGAINING

Among five dozen witnesses who submitted written testimony during a 14-hour House Commerce and Labor Committee hearing was Sen. Tim Grendell (R-Chesterland), one of six Republicans to oppose current language in the collective bargaining overhaul SB5 (Jones) during a close Senate vote. Sen. Bill Seitz (R-Cincinnati), who was also among the dissenting Republican senators, did not submit committee testimony, however submitted proposed amendments to the House, most of which were not considered in the Senate.

Members concluded what could be the final session of all-day testimony, as the chairman's office announced Thursday evening that the committee will not meet the week of March 21.

The two dozen or so witnesses again included a mix of opponents, proponents and interested parties, although the majority of speakers shifted back to those objecting to collective bargaining changes in SB5. Many have previously addressed the bill in the House or Senate. They included Larry James, general counsel to the National Fraternal Order of Police (FOP); President Jay McDonald of the Ohio Fraternal Order of Police; President Mark Sanders of the Ohio Association of Professional Firefighters; Lucas County Commissioner Pete Gerken; Special Agent Andrew Kalas of the Ohio Attorney General Office's Medicaid Fraud Control Unit; **President Beth Earl of the Federation of Franklin County Children Services Employees**; Sara Winfield, wife of slain Delaware County Sheriff's Deputy Brandy Winfield; Mike Sears of Concerned Shaker Heights Educators; former health and safety supervisor Stacey Adkins; science teacher and author James Allison Jr.; and concerned parent and taxpayer Rush Coen Rogers. Other opponent testimony came from Cleveland City Council, which submitted a resolution effective March 1 "objecting to SB5."

Democrats and Republicans said they're working on proposed changes to SB5, with Rep. Kenny Yuko (D-Richmond Heights), lead Democrat on the House Commerce and Labor Committee, saying "both sides are going to put their heads together and make some determinations about what we're going to do and how we're going to do it." Mark Sanders, president of the Ohio Association of Professional Firefighters, said he'd been asked for his top five recommendations on changes to the bill.

## **EDUCATION**

U.S. Education Secretary Arne Duncan has issued a new appeal for special accommodations by the states in support of military school children. Ohio is now one of 35 states participating in the Interstate Compact on Educational Opportunity for Military Children, adopted in 128-HB1.

The State Board of Education elected new member Debe Terhar as president, ousting President Rob Hovis in a re-do of earlier leadership elections that the attorney general's office deemed illegal. Tom Gunlock retained the vice presidency. Following the vote, Superintendent Deborah Delisle announced her resignation, saying top staffers to Gov. John Kasich told her over the weekend the administration had enough allies on the board to force her out if she wouldn't step down. Hovis called the administration's angling "disgusting," while member C. Todd Jones reminded members that former Gov. George Voinovich had sought to make the board fully appointed, while former Gov. Ted Strickland publicly undermined former Superintendent Susan Zelman, leading to her resignation.

Ohio will get \$19.5 million through the federal School Improvement Grant Program, which can be used to help failing schools that adopt one of four approved turnaround models.

## **ELECTIONS**

Rep. Bob Mecklenborg (R-Cincinnati) introduced the "Ohio Fair and Secure Elections Act", which he said would require voters to show photo identification when voting on Election Day or by absentee ballot in person at a board of elections.

**Survey results from Public Policy Polling showed Gov. John Kasich with a disapproval rating of 54 percent, with respondents saying if the November 2010 gubernatorial election were held again today, 55 percent would vote for former Gov. Ted Strickland.** The polling firm also said U.S. Sen. Sherrod Brown's (D-OH) re-election chances are stronger than three months ago, with Brown holding a lead of between 15 and 19 points over potential challengers, including Lt. Gov. Mary Taylor, U.S. Rep. Jim Jordan (R-Urbana), Secretary of State Jon Husted, Treasurer Josh Mandel, U.S. Rep. Steve LaTourette (R-Painesville) and comedian Drew Carey. The polling firm also showed President Barack Obama running ahead of potential Republican challengers in Ohio.

In its first survey on Gov. John Kasich's approval ratings, an Ohio Poll, conducted by the Institute for Policy Research at the University of Cincinnati, found that 40 percent of Ohio adults approve of Kasich's performance, while 47 percent disapprove and 13 percent neither approve nor disapprove.

Ohio Citizen Action joined with the Midwest Democracy Network to bring back a public competition to redraw legislative district lines, following a 2009 competition supported by Citizen Action, the League of Women Voters and former Secretary of State Jennifer Brunner.

Secretary of State Jon Husted moved his legal residence to Franklin County and will rent out his Kettering house. He was already spending most of his time in Franklin County, a move that was questioned when he was still serving as a senator from the Dayton area.

## **GENERAL ASSEMBLY/STATEHOUSE**

The Senate on Wednesday passed HB30 (Gardner), a rollback of many provisions of former Gov. Ted Strickland's evidence-based model of education, including the requirement for all-day kindergarten. Sen. Peggy Lehner (R-Kettering) said the rollback was inevitable because budget challenges allow no money to fund the Strickland model's mandates. The chamber also passed SB80 (Cates), which renames a highway in memory of Sen. Tom Patton's (R-Strongsville) son, Thomas Patton II, a police officer who collapsed and died while chasing a suspect.

On Thursday, the Senate passed SB71 (Manning), which grants tax breaks to municipally-owned stadiums that house independent and non-affiliated sports teams, by extending the exemption already given to stadiums housing affiliated sports teams. It also passed HB122 (Hottinger), which deals with surplus lines insurance, and confirmed Jim Petro as higher education chancellor.

The House passed one of the many abortion-related bills introduced this session, voting 64-33 to approve HB63 (Young), which changes the procedure for minors to bypass parental consent requirements for abortion by going before a judge. Bill supporters have argued the judicial consent process often amounts to rubber-stamping. On Thursday, the House concurred in Senate amendments to HB30 (Gardner), sending it to Gov. John Kasich's desk.

Reps. Teresa Fedor (D-Toledo) and Nancy Garland (D-New Albany) announced legislation to address cyber-bullying in schools by offering schools greater authority to discipline students engaging in only intimidation.

In other legislative action this week, the House State Government and Elections Committee reported out HB45 (Bubp), which allows concealed weapons in bars; The Senate Education Committee reported out SB81 (Cates), which would allow Teach for America to establish a program in Ohio; the House Health and Aging Committee reported out HB78 (Uecker), which would restrict post-viability abortions; and the Senate Judiciary-Civil Justice Committee reported out HB9 (Coley), which proposes adoption of the Uniform Commercial Code.

## **GOVERNOR**

Gov. John Kasich's office is questioning four appointees of former Gov. Ted Strickland on whether their confirmations were ever submitted to the Senate. Kasich's office sent letters to the four stating that a check with the Senate found no record of their appointments and will be considered void if they cannot prove that the paperwork was submitted.

## **HIGHER EDUCATION**

Since taking a seat on the Controlling Board at the beginning of the year, Sen. Chris Widener (R-Springfield) has made a point of questioning university land acquisitions, labeling them "discretionary" moves that should be reconsidered in light of the tough budget. Widener objected to requests for acquisition funding at Monday's Controlling Board meeting from Columbus State Community College and the University of Akron.

Eric D. Fingerhut, former chancellor of the Ohio Board of Regents, will join Jobs for the Future (JFF) as senior fellow, the Boston-based nonprofit organization announced Monday.

## **PENSION FUNDS**

Gov. John Kasich's budget proposal is now weighing on the five state retirement systems as they pursue legislative action on plans to ensure their long-term solvency, after the governor proposed making all public employees pay 2 percent more of their salaries into the pension funds, which would allow governments to pay 2 percent less. Rep. Lynn Wachtmann (R-Napoleon), sponsor of pension-

reform measure HB69, said he supports the move but will need to examine whether it affects other aspects of the solvency plans.

### **POLLS/STUDIES**

The U.S. Chamber of Commerce released a study titled, "Project Denied: The Potential Economic Impact of Permitting Challenges Facing Proposed Energy Projects," claiming that six stalled energy projects around the state are costing the state's economy \$29 billion in GDP and 51,400 jobs a year. It claims that the projects have been delayed or cancelled because of "Not in My Back Yard" activism, a broken permitting process, and a system that allows opponents to file limitless lawsuits.

***2011 -- Provided by The Hannah Report - A Publication of Hannah News Service, Inc.***

actionTRACK - Hannah News Service, Inc.  
Contact Darold M. Johnson  
(614)257-4191