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Ohio House Passes Budget Bill – Eliminates Higher Education Collective Bargaining Attacks, Extends Safe Harbor Provision and Increases K-12 Funding

On Monday, April 20, 2015, the Ohio House Finance and Appropriations Committee passed House Bill 64, the budget bill, along party lines. Prior to passage, the committee accepted an omnibus amendment that contained approximately 90 changes to the substitute bill.

The omnibus amendment contained many changes that OEA supported and for which we had advocated. They include: removal of the attack on higher education faculty collective bargaining rights; removal of the provision that would have excluded charter school employees from membership in STRS or SERS if they elect to organize under federal collective bargaining laws; an extension of safe harbor provisions for teachers, districts and students to the 2015-2016 and 2016-2017 school years; the creation of a new \$102 million fund to guarantee that school districts do not receive less funding than FY 2015 levels due to the phase out of the tangible personal property tax; and an update to the rights of individuals with developmental disabilities to choose the programs in which they wish to participate including disability and facility specific workshops. You may view the new (April 20) K-12 district-by-district funding spreadsheet by [clicking here](#).

After House floor deliberations on Wednesday, April 22, 2015, the Ohio House passed House Bill 64 by a vote of 63-35. The bill now goes to the Ohio Senate Finance and Appropriations Committee and subcommittees for consideration.

Details of the major changes from the House substitute bill to the House-passed bill are outlined below.

Primary and Secondary Education

- Appropriates \$102 million over the biennium in supplemental foundation aid to guarantee school districts do not receive less funding than FY 2015 levels (total foundation aid and tangible personal property operating reimbursements) due to the phase out of the tangible personal property tax



- Extends current safe harbor provisions for school districts, schools, teachers and students (see HB 7) through the 2016-2017 school year related to high-stakes decisions (sanctions/penalties) based on achievement test scores/report card ratings. With regard to teachers, two school years are added to the current 2014-15 safe harbor provision (HB 487 Section 13; 130th G.A.; requires local MOU), for a total of three years of safe harbor.
- Removes the provision that excluded community school employees from membership in STRS or SERS if they elect to organize under federal collective bargaining laws
- Removes the provision requiring that both school boards must approve the change in district boundaries created by an annexation
- Permits school district administrators to approve the installation of security barricade devices if both the police chief, fire chief or their equivalents approve
- Establishes the Joint Education Oversight Commission, consisting of five members from the Senate and five members from the Ohio House of Representatives, to review and evaluate education policies and programs
- Permits a charter school with a sponsor rated "exemplary" to be licensed by ODE to operate a preschool program. A charter school may not receive state charter school operating funds for students enrolled in a preschool program, but is permitted to receive early childhood expansion funds for those students.
- Decreases the appropriation for the Straight A Fund from approximately \$200 million to \$83 million over the biennium for two rounds of grants in order to assist schools in projects that increase student achievement and increase student efficiency
- Adds an administration deadline for the reading skills assessment of September 30 for students in grades one to three, and November 1 for students in Kindergarten
- Appropriates \$3 million over the biennium to Teach for America
- Requires the Ohio Department of Education, in conjunction with the Ohio Educational Service Center (ESC) Association and the Ohio Gifted Children Association, to submit a feasibility analysis to the Ohio Legislature regarding the establishment of 16 community schools for gifted children located in the different ESC regions of the state

Higher Education

- Removes the provision that would classify faculty members as management employees and eliminate their collective bargaining rights unless the employer elects to engage in collective bargaining
- Provides an option for universities to increase tuition by 2% or \$200 and community colleges to 2% or \$100 over the biennium
- Specifies the allocation of the Ohio College Opportunity Grant for public institutions, private for-profit institutions and non-profit institutions of higher education. Stipulates that the funds will be distributed on a need basis if the appropriations can't cover all the students covered in the prior academic year.

Developmental Disabilities

- Updates the rights of individuals with developmental disabilities to choose the programs in which they wish to participate including disability and facility specific workshops regardless of size, location or community setting
- Requires a Medicaid waiver administered by the Ohio Department of Developmental Disabilities that covers adult day services provided by sheltered workshops on the effective date of the provision to continue covering these services
- Prohibits a sheltered workshop with a Medicaid provider agreement from decreasing the number of Medicaid recipients it is willing and able to serve



- Requires that the Medicaid payment rates for adult day services provided by sheltered workshops during Fiscal Years 2016 and 2017 not be decreased below June 30, 2015 payment rates

Other

- Removes the requirement for the Ohio Retirement Study Council (ORSC) to establish for each state retirement system a custodial bank selection committee that consists of the Council's Director, the Treasurer of State and the ED of the system. Requires the committee, instead of the Treasurer, to select the financial institutions to serve as the depository of the system
- Removes language allowing for the privatization of a county jail