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135th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Introduced

Primary Sponsor: Sen. Cirino

Local Impact Statement Procedure Required: No

Jason Glover, Budget Analyst

Highlights

Diversity, equity, and inclusion (DEI) provisions

- State institutions of higher education may experience potentially significant increases in administrative costs to implement the bill's policies related to DEI, depending on each institution's current policies and practices. These costs may be related to the adoption of new or redrafting of existing policies, retraining employees, and redesigning courses.
- Institutions may also experience administrative cost savings through the elimination of current DEI activities. In particular, personnel costs may be lowered if faculty and staff positions primarily dedicated to DEI are eliminated, rather than redirected to other departments or positions.

Other higher education provisions

- Any state institution that does not currently offer enough courses in American government or American history to instruct every student, as a prerequisite for an associate's or bachelor's degree, may need to hire additional faculty to teach those courses. The costs for the new faculty would be offset somewhat by additional tuition and State Share of Instruction (SSI) revenue from students who enroll and complete those classes.
- Some state institutions, especially community colleges, may incur costs to have a syllabus for each undergraduate course ready to post on its website one week before each class starts.
- To the extent that a state institution is currently receiving gifts, donations, or contributions from an individual or organization who may be acting on behalf of the

government of China, it will forego such revenue. A state institution also may forego revenue associated with an agreement between it and any entity affiliated with the government of China, when that agreement expires.

Ohio Department of Higher Education (ODHE) responsibilities

- The bill will increase the administrative costs for ODHE to provide education programs for the board of trustees of each state institution and to conduct a feasibility study regarding the implementation of bachelor's degree programs in the state that require three years to complete.

Detailed Analysis

Overview

The bill makes numerous changes to the laws governing higher education. These changes include prohibiting employees of state institutions of higher education from striking and new requirements for state institutions regarding diversity, equity, and inclusion (DEI) policies and training, intellectual diversity, and faculty evaluations. The bill requires each state institution to: (1) prepare and submit to the Chancellor of Higher Education, prior to each operating and capital appropriations bill, a rolling five-year summary of its institutional costs, (2) update and submit to the Chancellor, on July 1, 2024, and every three years thereafter, its faculty workload policy, (3) adopt and submit to the Chancellor, by July 1, 2024, a post-tenure review policy, (4) implement a three credit hour American government or history course requirement for certain students beginning with students who graduate in the spring of 2027, and (5) submit and post on its website various reports required by the bill. Some of these provisions may marginally increase administrative costs for state institutions, while others will increase administrative costs more substantially. When taken as a whole, however, administrative costs may increase significantly, potentially resulting in the need to hire additional staff to handle the increased workload. The bill may also result in administrative cost savings. Additionally, some provisions may affect one sector type of state institution more than the other. The Ohio Department of Higher Education (ODHE) will also incur increased administrative costs for fulfilling several new responsibilities required under the bill. Provisions with the most notable fiscal effects are discussed below. For more information on all of the provisions in the bill, please see the bill analysis.

DEI-related provisions

Segregation prohibition

The bill requires state institutions of higher education to prohibit all policies explicitly designed to segregate faculty, staff, or students by group identities such as race, sex, gender identity, or gender expression. This prohibition includes orientations, majors, financial awards, residential housing, administrative employment, faculty employment, student training, extracurricular activities, and graduations. Costs for state institutions to implement this provision will depend on the extent to which they are currently segregating students based upon group identities, as well as how the bill's prohibition on "segregation" is interpreted.

Prohibition on support and training for certain concepts

The bill prohibits state institutions from using group identities such as race, ethnicity, religion, sex, sexual orientation, gender identity, or gender expression to do any of the following in relation to faculty, staff, and students: (1) provide disparate treatment, (2) advantage, or disadvantage, or (3) fund, facilitate, or support any position, material benefit, policy, program, or activity that advantages or disadvantages. It also prohibits state institutions from training any administrator, teacher, staff member, or employee to adopt or believe in, or from hiring any employee to instruct others in, certain listed concepts regarding race or sex and requires them to implement a range of disciplinary sanctions for those who authorize or engage in a prohibited training.

Administrative costs for state institutions will increase to adopt policies that align with this provision and, to the extent that these provisions diverge from current policy, to develop and provide retraining for faculty and staff. According to the Ohio Association of Community Colleges (OACC), these provisions could lead to the re-opening and re-negotiating of collective bargaining agreements, which could result in significant costs increases. On the other hand, state institutions may experience a reduction in operating expenditures depending on how they decide to respond to these provisions. For example, to the extent that a state institution is currently funding anything that is based on group identity, the state institution may decide to eliminate certain faculty and staff positions which may result in significant cost savings.

DEI and intellectual diversity

The bill requires state institutions to adopt a policy that requires the institution to prohibit, affirm and guarantee, or establish and implement a series of 14 prescribed requirements related to DEI, intellectual diversity, and other concepts. Some of these provisions require the state institution to prohibit any mandatory programs or training courses regarding DEI; affirm and guarantee that the institution will not encourage, discourage, require, or forbid students, faculty, or administrators to endorse, assent to, or publicly express a given ideology, political stance, or view of a social policy; and to affirm and guarantee intellectual diversity through establishing and implementing intellectual diversity rubrics for course approval, approval of courses to satisfy general education requirements, student course evaluations, common reading programs, annual reviews, strategic goals for each department, and student learning outcomes. Each state institution must also implement a range of disciplinary sanctions for anyone under its jurisdiction who interferes with the intellectual diversity rights of another individual.

State institutions will incur costs to adopt this policy. According to OACC, costs may include additional compensation to faculty to redesign courses to ensure that each course is in compliance with these provisions, as the process of a course redesign is often detailed in collective bargaining agreements.

American government or history requirement

Beginning with students who graduate in the spring of 2027, the bill prohibits each state institution of higher education from granting an associate's or bachelor's degree to any student who has not completed a course with at least three credit hours in the subject area of American government or American history. A state institution may need to hire additional faculty to teach these courses if it does not currently offer enough courses in American government or American

history to instruct every student. For example, according to OACC, many community colleges do not require their students to complete a course in American history in most programs they offer. Any new faculty costs may be offset somewhat by additional tuition revenue received from students enrolling in those courses and subsidy received from ODHE under the State Share of Instruction (SSI) formula for students who complete those courses.

Syllabus posting

The bill requires each state institution of higher education to make and post on its website, no later than the seventh day prior to the first day of that class, a syllabus for each undergraduate course it offers for college credit. Some state institutions may already post a syllabus for each course on its website in a similar manner as prescribed by the bill. For these state institutions, there may be minimal administrative costs to meet the requirements of the bill. However, other state institutions may experience administrative costs likely exceeding minimal to make and post their course syllabi in the timeframe prescribed by the bill. According to OACC, contracts for instructors at community colleges often start a day or two before the start of classes. Therefore, this provision may require community colleges to pay faculty for at least an additional week to have the syllabus ready one week before class starts. The exact cost per course would depend on how many course sections each faculty member is contracted to teach.

Faculty evaluations

The bill requires each state institution of higher education to establish written systems of faculty evaluations completed by students and peers that focus on teaching effectiveness and student learning and on the faculty member's professional development related to the faculty member's teaching responsibilities, respectively. Each state institution must publish, by August 1, 2024, and annually on that date thereafter, the average annual numerical score for student evaluations for each faculty member on its website. The bill also requires each state institution to conduct an annual evaluation for each faculty member it directly compensates that must meet a series of prescribed requirements. Overall, administrative costs are likely to increase for state institutions, mostly dependent upon how close any evaluation system each state institution has in place is to meeting the bill's requirement. According to OACC, these costs could be significant, especially if it requires state institutions to create new evaluation systems from scratch or to renegotiate existing, or negotiate new, employment contracts or collective bargaining agreements.

Interactions with the government of China

The bill prohibits state institutions of higher education from accepting gifts, donations, or contributions from the government of China or any organization or individual who may be acting on its behalf, including a student or a student's family member. State institutions are also prohibited from entering into any academic relationship with either (1) an academic institution located in China or (2) an academic institution located in another country that is associated with the government of China. Finally, the bill prohibits state institutions from renewing an existing agreement between the state institution and any entity affiliated with the government of China, upon its expiration.

To the extent that a state institution is currently receiving gifts, donations, or contributions from an individual or organization who may be acting on behalf of the government of China, it will forego such revenue. A state institution also may forego revenue associated with

an agreement between it and any entity affiliated with the government of China, when that agreement expires and is prohibited from being renewed.

ODHE administrative costs

The bill contains several provisions that will increase administrative costs for ODHE. Among the several ODHE-related requirements, the bill requires ODHE to do the following:

1. Develop and annually provide educational programs for the board of trustees of each state institution of higher education;
2. Prepare and report on several of the provisions in the bill, including a report that includes all state institutions' five-year institutional cost summaries and another one that relates to state institution compliance with the bill's syllabus posting requirements;
3. Conduct a feasibility study regarding the implementation of bachelor's degree programs in the state that require three years to complete; and
4. Withhold any state funds appropriated for institutional purposes to a private, nonprofit institution of higher education unless the institution affirms that it adheres to certain requirements. In those cases in which a private, nonprofit institution chooses not to submit the required statement, state funding for the institution may be redirected to other eligible institutions.