



Week of October 2, 2023

DeWine announces DEW will exist as judge extends temporary restraining order

Gov. **Mike DeWine** on Monday announced that the Department of Education and Workforce (DEW) is in existence as of Oct. 3 “by a function of law,” despite a court order temporarily halting the implementation of the new agency. DeWine stated he will comply with the court order, will not take any “affirmative action” on DEW implementation items, and there will be no interruption in school-funding payments. Dr. **Chris Woolard** will remain as interim Superintendent of Public Instruction.

Meanwhile, Judge **Karen Phipps** of the Franklin County Common Pleas Court extended until Oct. 20 the temporary restraining order originally issued on Sept. 21. A decision will be made at that time on whether to grant a preliminary injunction and continue the litigation. The court challenge comes amid next week’s monthly meeting of the State Board of Education, which is not certain to take place, according to Board President **Paul LaRue**. “We’re still hoping for clarity, but right now, we are literally evaluating our options. The board’s eager to move ahead, but we have to do it in a responsible way,” LaRue told reporters.

County auditors unveil property tax proposals

During opponent testimony to [Senate Bill 153](#), Warren Auditor **Matt Nolan** debuted proposals from the County Auditors’ Association of Ohio (CAAO) as alternatives to the bill that would soften the historic property valuation increases in counties across the state. Nolan offered the following options:

- For school districts at the 20-mill floor, cap the amount of revenue the district would receive to the rate of inflation (roughly 7.6%) while allowing valuation increases to occur naturally;
- Provide a property tax credit to property owners who experience an increase in taxes as a result of the valuation increase;
- Provide a refundable income tax credit to property owners who experience an increase in taxes as a result of the valuation increase.

The legislative fervor to address rising property values is at an all-time high as the window of available time to enact a solution draws to a close. If lawmakers are to pass one of the property value bills on the table, they must do so in the coming weeks or risk a delay in issuing January property tax bills, which would pose cash flow issues for schools and local governments. CAAO’s proposals – particularly the first – will draw new attention from lawmakers, especially those who were skeptical of the plan to artificially subdue property value increases under SB 153 and its House companion, [House Bill 187](#). It is presently unknown the bill into which the CAAO’s proposals will be inserted or whether such action will occur at all.

A variety of concerns exist with the 20-mill floor proposal. First, by limiting revenue growth to an inflationary level, many districts will see a reduction in their projected local revenue due to forecasting higher valuation increases based on county auditors’ data. Second, allowing the historic property

valuations to occur naturally will make districts appear wealthier and reduce their state aid. Finally, the proposal could result in different floors for each district, raising uniformity and constitutional questions.

SB 153 is expected to receive another hearing next week on Wednesday, Oct. 11, and HB 187 is expected to be on the House floor for a full vote that same day.

House Ways and Means Committee reviews “70/70” property tax freeze bill

Reps. **Thomas Hall** and **Dani Isaacsohn** on Tuesday spoke in favor of their property tax freeze bill, [HB 263](#), before their fellow members of the House Ways and Means Committee. HB 263 would freeze property taxes for individuals who (1) are at least 70 years old, (2) have an annual household income of less than \$70,000, (3) lived in their home for at least 10 years, and (4) live in a home that is valued not more than \$1 million. School districts and local governments would be reimbursed by the state for the foregone revenue as a result of the freeze. The bill is expected to receive a second hearing next week.

Bathroom Bill receives sponsor testimony

A bill to require school bathroom and locker facilities be designated for single-sex use received sponsor testimony this week from Reps. **Adam Bird** and **Beth Lear** in the House Higher Education Committee. [HB 183](#) would apply to public and private K-12 schools, colleges, and universities. The bill would require bathroom and locker room facilities that are accessible to multiple students at the same time to be designed for the exclusive use of the male sex or the female sex. The bill also permits the use of single-occupancy facilities and would prohibit biological females from sharing overnight accommodations with biological males. The bill will receive a second hearing next week.

House committee reviews school bus safety legislation

Members of the House Transportation Committee heard sponsor testimony on [HB 279](#), which requires seat belts to be installed on all school buses within five years, and [HB 140](#), which increases penalties for illegally passing a school bus, allows law enforcement to use exterior video cameras on school buses as evidence to impose penalties, and requires deputy registrar locations to display the instances when a vehicle must stop for a school bus.

On Tap – Active Bills Next Week

- [HB 187](#) – Property valuation appraisal procedures – Potential House vote on Oct. 11
- [SB 153](#) (fourth hearing) - Property valuation appraisal procedures – All testimony in the Senate Ways and Means Committee
- [HB 183](#) (second hearing) - Same-sex bathrooms – Opponent testimony in the House Higher Education Committee
- [HB 206](#) (first hearing) - Student expulsion policies – Sponsor testimony in the House Primary and Secondary Education Committee
- [HB 214](#) (second hearing) - Required policy on school staff speech – Proponent testimony in the House Primary and Secondary Education Committee
- [HB 250](#) (second hearing) - Military Enlistment diploma seal – Possible votes and amendments and invited testimony in the House Primary and Secondary Education Committee
- [HB 139](#) (third hearing) - Assault penalties against sports officials – Opponent testimony in the House Criminal Justice Committee

- [HB 47](#) (first hearing) - Require AEDs in schools – Sponsor testimony in the Senate Health Committee

Heard around the Statehouse

"Ultimately, the people see it for what it is. I really appreciated that Gov. DeWine had a strong response to this, which is, 'We're not going to stop payments to schools to pay for their ongoing operations. We can't let courts set public policy, whether it's redistricting or school policy. Elected legislators and governors have to set the policy. The Legislature has done its job. They passed a bill, and that's the law of the state of Ohio. It's certainly appropriate in some circumstances that courts rule that laws are unconstitutional, and if that happens, it happens. I think it's up to the governor to execute the laws, and he's doing that.'" - Senate President **Matt Huffman**, speaking to reporters about the pending litigation regarding the Department of Education and Workforce.