

Enacted Legislation
 128th General Assembly
**SST Region #14 – Administrator’s
 Conference**
 Presentation by BASA
 August 5, 2010

Senate Bill 210
 Healthy Choices, Healthy Children Act

- Legislative priority of the Ohio Business Roundtable
- “Hyphenated” sponsorship
- Simultaneously introduced with identical legislation in House (HB 373)
- Numerous “interested party” meetings led to six “versions”

Senate Bill 210
 Healthy Choices, Healthy Children Act

- Instructional issues
 - PE teachers hired after 7/1/2013 must be licensed in physical education
 - Health unit required for graduation must include instruction in nutrition and benefits of physical activity
 - Continues right of board to “excuse” from PE requirement students with 2 seasons of interscholastic sports, marching band, & cheerleading or 2 years of JROTC

Senate Bill 210
Healthy Choices, Healthy Children Act

- Physical activity
 - Bill as introduced would have required 30 minutes of physical activity for all students in K-12
 - By version 6, district could seek waiver
 - As adopted, ODE to administer an “opt in” physical activity pilot program starting in 2011-12
 - Exempted: career-tech program students, and PSEO students

Senate Bill 210
Healthy Choices, Healthy Children Act

- Body mass screening (BMI)
 - Requires each student in grades K, 3, 5, and 9 to have BMI screening before May 1 of each year
 - Screening may be provided by:
 - School district
 - Another entity contracted by school district
 - Parent or guardian by request of school district with screening from provider selected by parent (who then submits results to the school district)
 - What happens if parent does not submit?

Senate Bill 210
Healthy Choices, Healthy Children Act

- Body mass screening (BMI) continued
 - If district provides screening or contracts, district must ensure privacy by screening each student alone and not in presence of other students/staff
 - By February 1 of each year, district must provide screening requirement information to parents
 - District must provide parents with list of providers available to those who cannot afford private provider

Senate Bill 210

Healthy Choices, Healthy Children Act

- **Body mass screening (BMI) continued**
 - Parent may sign statement that parent does not wish for student to have screening
 - District prohibited from requiring such students to be screened
 - District must notify parents of health risks related to screening results and information about appropriately addressing the risks
 - ODH, ODE, and HCHCC to develop list of resources that may be distributed to parents

Senate Bill 210

Healthy Choices, Healthy Children Act

- **Body mass screening (BMI) continued**
 - Student's screening results reported only to parents
 - District required to report "aggregated" data (along with demographic data required by Director of Health) to ODH
 - ODH may annually publish the data by county
 - ODH may share aggregated data with other governmental agencies

Senate Bill 210

Healthy Choices, Healthy Children Act

- **Body mass screening (BMI) continued**
 - District may obtain BMI screening waiver
 - Board must submit affidavit to SSPI that the board is "unable to comply"
 - Affidavit must be signed by board president
 - SSPI must grant waiver upon receipt of affidavit

Senate Bill 210

Healthy Choices, Healthy Children Act

- **School/school district report cards**
 - SBE must establish by December 31, 2011 for use in the report card:
 - Student success in meeting benchmarks of PE standards adopted by SBE or developed by NASPE
 - Compliance with local wellness policies
 - Whether district is complying with BMI or has waiver
 - Whether district participating in physical activity "opt in"
 - Begins 2012-2013 school year but not used in ratings

Senate Bill 210

Healthy Choices, Healthy Children Act

- **Nutrition**
 - Effective 7/1/11, boards to adopt and enforce revised nutrition standards
 - Must consider nutritional value of each food
 - Consult with a licensed dietitian, dietetic technician, or school nutrition specialist
 - Incorporate dietary guidelines jointly developed by the U.S. Departments of Agriculture & HHS
 - No vending machines in classrooms (unless classroom also used to serve meals)

Senate Bill 210

Healthy Choices, Healthy Children Act

- **Other**
 - District designates staff to prepare annual report regarding compliance with nutrition standards
 - Board must schedule presentation on report at one of its regular meetings
 - Vending machine restrictions (<10 calories/8 oz.)
 - ODE to make available free nutrition software if ODE can obtain for free
 - If GA appropriates money, students eligible for reduced price will get free breakfasts
 - Creates 32-member Healthy Choices for Healthy Children Council

SB 210 Resource:

<http://www.ode.state.oh.us/GD/Templates/Pages/ODE/ODEDetail.aspx?page=3&TopicRelationID=431&ContentID=88501>

- ODE web site for access to:
- BMI Screening Program – Six Implementation Steps
 - Sample BMI Waiver Affidavit
 - Sample Parent Notification Letter and Permission Form
 - Frequently Asked Questions – BMI Screening
 - Sample Parent Letter – BMI Screening Results

House Bill 318

Income Tax Reduction Delay

- Postpones fifth of 5 scheduled income tax rate reductions (4.2% each) until January 2011
 - Impact on current budget
 - Waives interest on underpayment of quarterly withholding if it met compliance with 2009
- Does not affect adjustment of tax brackets with any percentage increase in Gross Domestic Product deflator index (beginning in 2010)

House Bill 318

Income Tax Reduction Delay

- District can obtain from SSPI a one-year delay in implementing all-day kindergarten
- Not a waiver
- District may seek delay for all of its kindergarten students or a portion of them
- SSPI must grant delay if board submits resolution:
 - Formally requesting delay and providing justification, and
 - Plan for fully implementing all-day kindergarten requirement in "2012"

House Bill 318

Income Tax Reduction Delay

- Introduced in House on 10/16/09
- Passed by House on 10/21/09 (55-44)
- Not reported out of Senate Finance Committee until 12/17/09
 - The legislative pay issue
 - The construction reform issue
- Final vote in Senate: 17-15

HB67 – Blood Donation

- Continuing law: 17-year-olds can donate blood without parental consent to voluntary, nonprofit blood program
- New law allows 16-year-olds to donate with parental consent
- School must arrange for “dissemination” to parents the written information to students
- Written information must include statement that students will be asked to donate blood

HB19 – Dating Violence

- Requires that “violence within a dating relationship” be added to policy prohibiting student harassment, intimidation, or bullying
- Requires that dating violence prevention be included in health curriculum (grades 7-12)
- Adds training on dating violence prevention for staff working in middle or high schools
 - Teachers, administrators, counselors, nurses, and psychologists

**SB232 – Renewable Energy
Facilities**

- New class of public utility for tax purposes
 - In business of generating, transmitting, or distributing electricity from facility with aggregate nameplate capacity >250 kilowatts
 - Political subdivisions with energy facility (regardless of capacity) are not a public utility if supplying electricity for subdivision's own use
 - Facility with nameplate capacity <250 kilowatts exempt from tangible utility personal property tax

**SB232 – Renewable Energy
Facilities**

- Public utility personal property tax exemption
 - Project obtains certificate from Power Siting Board prior to December 31, 2011
 - Construction begins before January 1, 2012
 - County commissioners approve (if project is 5 megawatts or larger)
 - Would include exemption for real property
 - PILOT would be \$6,000 to \$8,000 based on number of Ohio-domiciled full-time employees

**SB232 – Renewable Energy
Facilities**

- Public utility personal property tax exemption
 - Commissioners may also assess annual service payments in addition to mandatory payments
 - Total of annual service and mandatory payments may not exceed \$9,000
 - The "exemption" (abatement) itself
 - Language requiring calculation into the charge-off is not there!
 - An opportunity for other abatements?

HB290 – Junior ROTC

- Adds JROTC as Ohio Core curriculum elective
- Permits districts to excuse students in JROTC for two years from PE graduation requirement
- Changes criteria for community school closure for poor academic performance if school does not meet criteria if first 2 years of operation are excluded
- Establishes the longitudinal data system between ODE and OBR
- Operation of Harmon Commission contingent on available funds

HB48 – Uniformed Services

- Leave of up to 10 days for employee whose spouse or child is called to active duty for period longer than 30 days or injured, wounded, or hospitalized while on active duty
 - Applies to employers of 50 or more and all Ohio political subdivisions
 - Not paid leave unless in contract
 - Employer must provide same benefits (not salary)
 - Collective bargaining implications

HB48 – Uniformed Services

- Federal uniformed services and overseas absent voting law
 - Implements Persian Gulf, Afghanistan, and Iraq conflict veteran bonuses
 - Requires absent voter ballots for uniformed services or overseas voters to be ready 45 days before the election
 - Generally changes filing deadlines from 75th day to 90th day before day of election

**Monthly Report - Actual
(June 2010 vs. June 2009)**

- While maybe not a trend...
 - Sales tax collections up by \$20.6 million

 - Personal income tax collections up by \$62.4 million

 - Total GRF revenues up by almost \$111.8 million

GRF Revenues – Actual \$ Received Comparing YTD 06/10 with 06/09

\$ in thousands

Category	Actual FY10 per 06/30/10	Actual FY09 per 06/30/09	Difference
Non-Auto Sales	\$ 6,194,494	\$ 6,239,178	\$ (44,683)
Auto Sales & Use	\$ 882,877	\$ 873,638	\$ 9,239
Subtotal - Sales	\$ 7,077,372	\$ 7,112,816	\$ (35,445)
Personal Income	\$ 7,247,224	\$ 7,627,989	\$ (380,765)
Corporate Franchise	\$ 141,748	\$ 520,771	\$ (379,022)
Public Utility	\$ 136,739	\$ 184,516	\$ (47,776)
KWH Tax	\$ 156,289	\$ 135,946	\$ 20,343
Foreign/Domestic Insurance	\$ 412,452	\$ 404,561	\$ 7,892
Other Business	\$ 27,250	\$ 25,062	\$ 2,188
Soft Drink/Sin Tax	\$ 979,511	\$ 1,017,614	\$ (38,103)
Estate	\$ 55,024	\$ 64,403	\$ (9,379)
Total Tax Receipts	\$ 16,233,609	\$ 17,093,678	\$ (860,069)

11

GRF Revenues – Actual \$ Received Comparing 06/10 with YTD Estimates

\$ in thousands

Category	Actual FY10 per 06/30/10	Estimated FY10 per 06/30/10	Difference
Non-Auto Sales	\$ 6,194,494	\$ 6,201,753	\$ (7,259)
Auto Sales & Use	\$ 882,877	\$ 793,400	\$ 89,477
Subtotal - Sales	\$ 7,077,372	\$ 6,995,153	\$ 82,219
Personal Income	\$ 7,247,224	\$ 7,479,299	\$ (232,075)
Corporate Franchise	\$ 141,748	\$ 100,000	\$ 41,749
Public Utility	\$ 136,739	\$ 180,000	\$ (43,261)
KWH Tax	\$ 156,289	\$ 166,202	\$ (9,913)
Foreign/Domestic Insurance	\$ 412,452	\$ 432,000	\$ (19,548)
Other Business	\$ 27,250	\$ 24,000	\$ 3,250
Soft Drink/Sin Tax	\$ 979,511	\$ 917,000	\$ 62,511
Estate	\$ 55,024	\$ 61,500	\$ (6,476)
Total Tax Receipts	\$ 16,233,609	\$ 16,355,154	\$ (121,545)