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## DeWine Delays Henness Execution

Gov. Mike DeWine Friday delayed the execution of Warren Henness, citing a recent decision by a federal magistrate judge who stopped short of ruling Ohio's execution method unconstitutional.

U.S. Magistrate Judge Michael R. Mertz allowed the execution to proceed in a ruling earlier this week, but said Ohio's three drug-protocol "will certainly or very likely cause [Henness] severe pain and needless suffering because of the dose of midazolam intended to be used will not render him sufficiently unconscious as to prevent him from suffering the severe pain caused by injection of the paralytic drug or potassium chloride or the severe pain and needless suffering caused by pulmonary edema from the midazolam itself."

Comparing the effects of midazolam to waterboarding, Mertz wrote that executing Henness under the current protocol "it will almost certainly subject him to severe pain and needless suffering. Reading the plain language of the Eighth Amendment, that should be enough to constitute cruel and unusual punishment."

Though Mertz did not stop the execution, DeWine announced he was delaying the execution of Henness until Thursday, Sept. 12, 2019.

DeWine said he is also asking the Ohio Department of Rehabilitation and Correction to assess Ohio's current options for execution drugs and to examine possible alternative drugs.

Last week, the Ohio Parole Board had voted unanimously to recommend against clemency for Henness, who was convicted of the 1992 aggravated murder of 51-year-old Richard Myers. (See *The Hannah Report*, 1/18/19.)

## House, Senate Looking to Fill Vacancy in Respective Chambers

Both houses of the General Assembly are in the midst of filling a vacant seat: the House, now-Sen. Brian Hill's (R-Zanesville) 97<sup>th</sup> House District seat, and the Senate, former-Sen. Randy Gardner's (R-Bowling Green) 2<sup>nd</sup> Senate District seat.

On Friday, the Senate released the names of two applicants for Gardner's seat: Rep. Theresa Gavarone (R-Bowling Green) and Barbara Lang, who currently serves as a Monclova Township trustee. A third candidate, Dustin Decker, a Wood County Republican Central Committee member and an employee of the Wood County Clerk of Courts, withdrew, according to Ohio Senate spokesman John Fortney.

Gavarone had announced her interest in the position earlier this month, shortly after Gardner was named chancellor of the Ohio Department of Higher Education by Gov. Mike DeWine. (See *The Hannah Report*, 1/11/19.)

Fortney told *Hannah News* Friday he expects the Senate screening committee to be named next week, with interviews to follow.

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Meanwhile, the House screening committee, led by Rep. Jay Edwards (R-Nelsonville), has reportedly concluded its interviews with candidates for the House seat. (As a side note, if Gavarone moves to the Senate that will give the House another vacancy to fill).

According to the *Zanesville Times Recorder*, the applicants for Hill's seat include the following:

- Melissa Bell of Zanesville, current director of membership outreach with the Ohio Pork Council.
- Chandler Burris-Jones, a 22-year-old biological sciences student at Ohio University.
- James Gibson of Cambridge, currently pastor of Rix Mills Presbyterian Church in New Concord and Buffalo-Cumberland Presbyterian Church in Cumberland.
- Shawn Hoagland of Zanesville, general manager of Superior Auto in Mount Vernon and a substitute teacher for Muskingum County school districts.
- Adam Holmes of Nashport, CEO of Frueh Enterprises.
- Justin Hunter of Nashport, owner of Harvest Hill Farms.
- Jeanette Moll of Zanesville, a private practice attorney and former magistrate in the Guernsey County Court of Common Pleas.
- Joshua Tilton of Zanesville, an EMS instructor with the city of Columbus Division of Fire.
- Brian Wear of Cambridge, currently a regional training director for the Ohio Child Welfare Training and Human Services Training programs in Guernsey County.
- Scott Wilson of Dresden, a retired UPS employee and president of Teamsters Local 637 in Zanesville.

Other members of the House screening panel include Reps. Brett Hillyer (R-Uhrichsville), Don Jones (R-Freeport) and Jena Powell (R-Arcanum). (See *The Hannah Report*, 1/16/19.)

## **Akron Working with Federal Authorities, National Guard to Combat Cyberattack**

Ohio Gov. Mike DeWine has activated eight soldiers and airmen from the Ohio National Guard's (ONG) 172nd Cyber Security Protection Team amid ongoing "criminal virus activity" in the city of Akron's computer networks, according to news releases from the city and Ohio Adjutant General's Office.

Akron press secretary Ellen Lander Nischt said suspicious activity on the city's network was identified on Tuesday and an attempt to access city funds was "successfully identified, intercepted and prevented." She said there is no intelligence that personal information of customers, taxpayers or citizens was harvested, and there is no indication of a risk to public safety.

The incident led to the initial involvement of the Akron Police Department, including temporary shut downs of critical software and hardware, and investigation and interdiction efforts by the Federal Bureau of Investigation (FBI) and Ohio State Highway Patrol (OSHP) on Wednesday. It was determined additional resources were needed, however, and Mayor Daniel Horrigan requested the deployment of the guard personnel to assist as well.

"Over the coming days, the joint city, state and federal team will work together to eradicate and mitigate this activity and restore operational services. This process may require additional software and hardware systems to be taken offline, which will likely impact certain city operations," Nischt said.

Currently, the incident has made some software and hardware systems unavailable within the Akron Municipal Court; prevented credit card payments in city departments including recreation, building and tax; and required certain city computers to be relocated for forensic analysis.

"The Digital Age brings with it constant and ever-changing threats, and we must remain vigilant and prepared," Horrigan said in the release. "While this incident is ongoing, all current intelligence indicates that we were well-equipped and well-trained to address this malicious attack and that our employees took timely and appropriate action to prevent an attempted theft. Public institutions across the nation often are of particular interest to criminal actors, which is why the city has invested more than \$9 million since 2016 in citywide IT infrastructure and maintenance."

The adjutant general's release said the team conducts defensive operations and forensic support and analysis, and performs an annual average of 18 vulnerability and risk assessments for state and local agencies.

State legislators and guard personnel, including former Adjutant General Mark Bartman and Cybersecurity Outreach Coordinator Mark Bell, have recommended expanding the guard's cyber abilities through creation of a civilian "Cyber Reserve" to better utilize existing cybersecurity talent to protect businesses and take part in education and outreach. The two have also said Ohio would be the first state in the nation to have such a cyber element.

The 132nd General Assembly saw twin companion bills to create the reserve, but they were not able to be passed before the end of the lame duck session, Bell said at Wednesday's meeting of the CyberOhio Advisory Board. (See *The Hannah Report*, 1/23/19.)

He expected legislation to be re-introduced in the coming weeks, and former Sen. Frank LaRose, now Ohio Secretary of State, had said he envisioned the reserve as a "cyber cavalry" to respond to situations similar to the one occurring in Akron, particularly when small businesses or government entities with limited personnel were being targeted. (See *The Hannah Report*, 9/12/18.)

The reserve would have at least one cyber response team of eight to 10 people in five state regions, and members would be drawn from existing cyber personnel through a process of vetting, background checks and skills tests. Reserve members could also be used to aid in education efforts toward cybersecurity careers.

Ohio Air National Guard Capt. Jordyn Craft told *Hannah News* the ONG's Defense and Cyber Operations Element was created in 2013, and the proposed civilian reserve would complement the existing personnel's expertise.

"The Ohio Cyber Reserve could support by supplementing the uniformed Ohio National Guard cyber response, or by supporting the community in place of the Ohio National Guard uniformed forces if they were tasked elsewhere. The proposed Ohio Cyber Reserve could also be used proactively to assess and educate communities on cyber incident response in an effort to help reduce cyber vulnerabilities and threats in Ohio," Craft said.

## **PUCO Nominating Council Narrows Field to Nine Applicants**

The Public Utilities Commission of Ohio (PUCO) Nominating Council Friday announced it will interview nine of 23 applicants for the seat currently held by Commissioner Tom Johnson, including former Rep. Michael Ashford; Gene Krebs, a former state representative, Preble County commissioner and chairman of the Ohio Consumers' Counsel Governing Board; and David Daniels, a former legislator and director of the Ohio Department of Agriculture under Gov. John Kasich.

The PUCO Nominating Council will meet on Thursday, Jan. 31, to interview the nine applicants. The term of the new commissioner will begin April 11, 2019 and end on April 10, 2024. The interviews will begin with a public session at 8:45 a.m. followed by an executive session at 9 a.m. for the interviews.

The nominating council will narrow the finalists down to four names, which it will forward to Gov. Mike DeWine, who will make the final decision on the appointment.

In addition to Ashford, Krebs and Daniels, the other finalists include:

- Bryce McKenney, whose experience includes serving as PUCO administrative law judge, assistant consumers' counsel and attorney for the Tennessee Valley Authority.
- Denis George, corporate manager for energy at Kroger Co.
- Noah Dormady, an assistant professor at Ohio State University's Glenn College of Public Affairs.
- James Dunn, general counsel for Nationwide Energy Partners and a former PUCO staffer.
- Judge Dennis Deters of the 1st District Ohio Court of Appeals.
- Samuel Randazzo, longtime attorney involved in Ohio energy matters and recently retired from the firm of McNeese Wallace and Nurick.

Johnson, a former legislator and director of the Office of Budget and Management, announced earlier this month that he won't seek reappointment to the seat. (See *The Hannah Report*, 1/18/19.)

Reacting to the announcement, a spokesman for the Ohio Consumers' Counsel (OCC) issued a statement saying the next commissioner should not be tied to utilities.

"Already, two of the five PUCO Commissioners are former utility representatives. That is more than enough. The next commissioner should be someone who has been a bona fide advocate for the hard-working people of Ohio," OCC spokesman J.P. Blackwood said.

## Groups Urge Congress to Protect Affordable Care Act, Health Care

Advocates who favor the Affordable Care Act (ACA), also known as Obamacare, urged Congress Friday to take steps to protect health care for Americans, including for those with pre-existing conditions and people who enrolled in Medicaid thanks to the ACA's expanded requirements.

The groups, which include For Our Future, Protect Our Care Ohio, ProgressOhio, and the Universal Health Care Action Network (UHCAN) Ohio, said the biggest threat to health care is a federal lawsuit originating in Texas that saw a federal judge rule the ACA was unable to stand on its own after Congress eliminated the tax penalty for not having health insurance. But they said there are other threats to the law as well, including efforts by the Trump administration to weaken it.

Amanda Wurst, the Ohio director of Protect Our Care, said at a press conference held Friday in Columbus that Congress can take other steps to help lower the cost of health care in addition to preserving protections for those with preexisting conditions.

She was joined by Steve Wagner of UHCAN Ohio, who said his group believes the ACA had a positive impact on Ohio, but it could be improved, instead of trying to repeal it. He highlighted the expansion of what they called "junk" health insurance plans that were allowed under the ACA as temporary stop-gap measures for uninsured individuals to invest in, but have been allowed to be used for up to a year without the protections of the ACA.

In addition, Wagner said there has been a move in Congress and in state legislatures, including the Ohio General Assembly, on what he said were additional burdens for those who are among the Medicaid expansion population, such as work requirements. He said most people on Medicaid that are able to work do so, but the program also needs to be available for those who cannot and help people through their unemployment.

Wagner said it is time to "move past our fights on health care and improve accessibility" while defeating attempts to put more barriers on people seeking care.

He also called for more efforts to bring down the cost of prescription medication and to expand financial assistance for Ohioans to purchase insurance coverage.

Also speaking were Susan Hyde, an Ohio cancer survivor who told of her daughter's battle with leukemia. She said when her daughter was diagnosed, doctors told her that her daughter might be uninsurable because it is a preexisting condition, but the ACA has allowed her to get coverage.

Beth Weinstock, a Columbus-area primary care physician, said she saw a difference after the ACA was passed, with more patients who had not gone to the doctors in years coming into her office for regular care.

"It was like a wave of patients who were thrilled to get essential care," she said.

She said she fears that basic health care rights will be chipped away, and changes are already leading to some plans on the health care exchanges not being unaffordable for patients.

Other items the groups urged Congress to address:

- Pass legislation allowing Medicare to negotiate drug prices for all beneficiaries.
- End price gouging by requiring drug manufacturers to give notice and justify significant price increases and require transparency of rebate amounts.
- Pass legislation to end "surprise medical bills" that often come when an individual is billed for services provided out-of-network and to limit the amount a provider can charge to a negotiated rate.
- Expand the eligibility for premium tax credits above 400 percent of the federal poverty line and increase the size of the tax credit for all income brackets.
- Expand services that could be utilized before deductibles, such as three primary care visits and one specialist visit that would not be subject to a plan's deductible.
- Restore funding for the ACA open enrollment period and make all information about ways to sign up for coverage easily accessible to everyone.
- Oppose waivers that undermine the ACA and allow states to get around key provisions of the law.
- Improve Medicare affordability by adding an out-of-pocket maximum after which beneficiaries would be protected from additional costs; include prescription drugs in the limit on out-of-pocket spending; add coverage for vision, hearing and dental; and make cost-sharing more affordable.

## Ohio's Income Tax Filing Season Nears

The Ohio Department of Taxation (ODT) will begin accepting 2018 state income tax returns on Monday, Jan. 28. By the deadline on Monday, April 15, more than 5.5 million Ohio taxpayers will have filed a return, the department explained.

ODT says taxpayers will see some changes from last year, including the following:

- An inflation adjusted increase in the maximum deduction for contributions to a Medical Savings Account (MSA). The new maximum is now \$4,753, up 1.66 percent from last year.
- Increases to the tax-free contributions to an Ohio 529 plan or to a STABLE account to a maximum of \$4,000 per beneficiary.
- An inflation adjustment to the personal exemption and the tax brackets.
- A new deduction for income earned by out-of-state business owners and nonresident employees who conduct disaster work in Ohio during a disaster response period.
- Tax booklet instructions that are shorter and simpler to read and understand.

ODT says the state continues to fight against tax fraud. "As a result, some taxpayers will be directed to take an identification quiz to protect against fraudulent tax returns filed using stolen personal information. Since 2014, the department has blocked the attempted theft of more than \$600 million by criminals using stolen personal IDs to file fraudulent returns."

ODT encourages Ohio taxpayers to file online. More than 88 percent of Ohioans file electronically and those who do, and are entitled to a refund, will typically see that refund in 15 business days or less if they request direct deposit to a checking, savings or investment account. Those who file a paper return and are entitled to a refund will typically receive a refund check in eight to 10 weeks.

Tax agents are available toll-free at 1-800-282-1780 from 8 a.m. until 5 p.m., Monday through Friday for taxpayers needing assistance.

Forms and all the filing information needed is available on the ODT website at [www.tax.ohio.gov](http://www.tax.ohio.gov).

## Former Mount Carmel Doctor's License Suspended, Medicaid Provider Agreement Terminated

The State Medical Board and Ohio Department of Medicaid (ODM) both acted Friday to curtail a former Mount Carmel Health System doctor's ability to practice, with the board citing an internal investigation that found at least 27 patients received doses of controlled substances, including fentanyl, that significantly exceeded the acceptable dose range and were at fatal levels.

The *Columbus Dispatch* has reported there were an additional seven patients as well, bringing the total to at least 34, and the board said cases occurred between February 2015 and November 2018.

The board summarily suspended Dr. William Husel's osteopathic medicine and surgery license, communications director Tessie Pollock told *Hannah News*, and that process represents the fastest means to remove a licensee from practice. His continued practice represents "a danger of immediate and serious harm to the public," the board wrote in its notice of summary suspension, and there was "clear and convincing evidence" that he violated state laws, specified by Pollock as "failure to meet acceptable standards regarding the selection of drugs, violations of the minimal standards of care and failing to cooperate in a board's investigation related to the doctor's prescribing of fentanyl and midazolam to patients under his care."

Summary suspensions also require a higher burden of proof than a regular administrative action, as the licensee does not get a hearing prior to the vote. Husel has 30 days to request a hearing, and Pollock said permanent action will be decided upon based on information from that hearing - if it occurs - as well as additional fact finding, such as criminal charges or convictions. Board action, which would occur during a regular monthly board meeting, can range from probation to permanent revocation.

"For summary suspension cases involving minimum standards related to prescribing, the board would typically review patient records involved, interview witnesses, work collaboratively with law enforcement and interview the licensee whose practices are being questioned," Pollock said.

Separately, ODM announced Friday that it had suspended Husel's provider agreement regarding "a credible allegation of fraud."

"(We) referred these allegations to the Ohio Attorney General's Medicaid Fraud Control Unit. The health and safety of all Ohioans, and the integrity of the Medicaid program, are paramount. As a result of the suspension the person in question is prohibited by law from serving individuals that rely on our program," ODM press secretary Tom Betti said in a statement.

Ohio Attorney General Dave Yost said he was "proud" of the State Medical Board's decision and was prepared to defend it in court if necessary. On Thursday, he'd called for the board and ODM to take action, citing the reports regarding "at least 34 patients," and said that he had offered criminal investigative support to Franklin County Prosecutor Ron O'Brien.

## BWC CEO Nominee Working with Morrison, Hopes to Further Improve Bureau

Ohio Bureau of Workers' Compensation (BWC) Administrator/CEO nominee Stephanie McCloud attended her first board of directors meeting in that role Friday, though she made a point of noting her first job after law school was at BWC as well.

McCloud said she had held several positions in state government, handled workers' compensation matters as a private attorney and ran a small business, so she appreciated the system from "beginning to end."

McCloud also praised the work of former administrator/CEO Sarah Morrison, who is remaining as an interim senior policy advisor and assisting with the transition, and said she hoped to take "something good" and make it better, without planning to make major changes immediately.

Gov. Mike DeWine attended the board's December meeting, and he and Chair Nicholas Zuk expressed their desire to make BWC a "world-class" organization, which McCloud echoed Friday. (See *The Hannah Report*, 12/20/18.)

McCloud also offered updates on BWC programs, including safety grants of \$243,000 to eight school districts and two private schools; \$892,000 to 35 employers to reduce workplace injuries and illnesses; and \$200,000 to 22 fire departments.

The "Better You, Better Ohio" program is nearing the end of its first year (see *The Hannah Report*, 1/26/18) and has more than 4,200 Ohio workers enrolled, with BWC staff visiting nine employers and providing 442 biometric screenings between Nov. 29 and Dec. 31. More than 20 on-site screenings are already scheduled for 2019, McCloud said, and they've already begun receiving success stories.

She also said that BWC started its annual employee survey earlier in the month, noting that the 2018 survey informed them that staff wanted to know more about professional development and career opportunities. McCloud told the board she would share the results and what actions will be taken once surveys are analyzed, and said she would be continuing the tradition of recognizing a BWC employee as part of her administrator's report.

Barb Ingram, chief fiscal and planning officer for BWC, offered a report on BWC's financial results through the end of December 2018, including a net position decrease of \$393 million, leaving the bureau with \$9.1 billion. Operating revenues totaled \$82 million during the month, with operating expenses totaling \$67 million, and the month saw a net investment income loss of \$408 million.

That loss was also discussed in the report from the investment committee, which had heard a presentation from investment consultant RVK on fourth-quarter market volatility caused by a sell-off due to Federal Reserve actions raising short-term rates, concerns over tariffs on foreign goods and the potential for a slowing economy. The sell-off hit bottom in the last week of December, and the market has since shown signs of recovery.

The medical services and safety committee reported hearing a report on five-year rule review of claims procedure rules, moving to retain 11 rules without change and amend 16 rules, and the board approved that motion unanimously. Committee chair David Johnson also moved to have the board accept a recommendation to not make "specific changes" to Ohio Administrative Code Rule 4123-6-37.3, but note for the future that ambulatory surgical centers performing identical services as out-patient hospitals had sought to be reimbursed by Medicare at the same level.

Johnson also said the committee was told by senior claims directors that in 2018 there were 99,177 claims filed, with 87,000 filed as medical-only and 12,000 as lost time. However, 10,000 medical-only claims were changed to lost time while 2,033 claims were changed to medical-only. Only six percent of the claims were appealed to the Ohio Industrial Commission, which he said was "a great improvement" over recent years.

The actuarial committee's report included a motion to change state agency rates, increasing benefit contributions by an overall 7.7 percent and decreasing contributions for managed care organization (MCO) services by an overall 4.5 percent, for a combined average increase of 6.1 percent beginning July 1, 2019. The motion was accepted by a unanimous voice vote.

The committee had also heard a recommendation to cut private employer premium rates by an average of 20 percent (see *The Hannah Report*, 1/24/19), and Chair Stephen Lehecka said board members had some "good dialogue and clarifications" regarding the actuarial analysis for that recommendation.

The audit committee reported hearing a review of three internal audits, with the Employer Services Division's Professional Employer Organizations (PEO) unit operations having nine objectives reviewed, with six adequate and three needing improvement; the Fiscal and Planning Division's benefits payable operations, with seven objectives ruled adequate and one needing improvement; and the Investment Division's operations having all three objectives deemed adequate.

The governance committee had heard a second report from the workgroup on data analytics, and Chair Chan Cochran said BWC Chief Actuarial Officer Chris Carlson told them the bureau is behind the insurance industry in this area and called for

them to move forward deliberately. SenseCorp's senior representative Stacie Butler recommended they take a "run before you walk approach" of software upgrades and improved data collection, and Carlson said they should determine prices and secure funding, including determining the costs of inaction.

## Controlling Board to Hear Requests from ODNR, DSA, Kent State, Others

The newly configured Controlling Board for the 133<sup>rd</sup> General Assembly will hear requests from the Ohio Department of Natural Resources (ODNR), the Development Services Agency (DSA), Kent State University and other groups at its Monday meeting.

One of the largest requests comes from ODNR, which is asking for \$22.8 million to repair the North Reservoir Dam at Portage Lakes State Park in Akron, OH, plus a \$2.9 million request to contract with construction management firm Hill International, Inc. to manage the project. The dam is considered a "high hazard" with a spillway deficiency, according to the request.

ODNR also asked for \$2.5 million to contract with architecture firm Schooley Caldwell for design input on the lodge at Hocking Hills State Park.

The largest request from DSA was a \$7.4 million 166 Direct Loan to the Port of Greater Cincinnati Development Authority to purchase a parking garage. In addition to those funds, \$2.5 million of Port Bond Fund Financing and \$1.1 million of Port Cash Equity will go towards the \$11 million purchase. The request was one of 17 from DSA.

Kent State University made approximately \$17 million in requests to the board for renovations, the largest of which was a \$14.7 million request to strip the Design Innovation Center, originally built in 1972, down to its original steel structure and rebuild an entirely new building envelope and interior layout.

The other requests on the board's 106-item agenda included a \$1 million increase to the existing \$600,000 appropriation for the Ohio Department of Education's "New Skills for Youth Grant," and a \$1.3 million request from the Racing Commission to pay out owners of winning thoroughbred horses.

Members of the Controlling Board, appointed this week by their respective chambers, include Reps. Scott Oelslager (R-North Canton), Shane Wilkin (R-Hillsboro) and Jack Cera (D-Bellaire) and Sens. Bob Peterson (R-Sabina), Jay Hottinger (R-Newark) and Vern Sykes (D-Akron).

## Fordham Calls on State to Increase Charter School Funding

A new report from the Thomas B. Fordham Institute calls on state lawmakers to increase charter school funding to parity with traditional school district funding, saying that such a change would increase viable school choice options, especially for economically disadvantaged populations.

According to the report, "Shortchanging Ohio's Charter Students," overall funding disparities exist between districts and charters both statewide and in the "Big Eight" school districts (Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo and Youngstown).

Among the Big Eight schools in fiscal years 2015 through 2017, district schools received \$14,648 per pupil in total revenue, while charter schools received \$10,556 per pupil. Statewide, district schools received \$11,622 per pupil, while charter schools received \$9,755 per pupil.

Charter schools' funding shortfalls largely stem from the fact that they do not receive any local funding in most cases. Looking at the funding breakdown of schools in Big Eight cities per pupil, district schools received \$6,320 in local funds, \$5,558 in state funds, \$2,214 in federal funds and \$556 from nontax sources, while charter schools received \$33 in local funds, \$8,370 in state funds, \$1,620 in federal funds and \$533 from nontax sources.

A further analysis revealed that these funding disparities are about the same when using the state's "equivalent funding per pupil" formula, which weights school funding based on the number of disabled students, economically disadvantaged students and students who are learning English as their second language.

Fordham goes on to look at the different demographics served by charter schools and district schools, noting that charter schools serve higher populations of economically disadvantaged students statewide, as well as higher proportions of African American students.

Statewide, 79 percent of charter school students are considered economically disadvantaged, compared to 48 percent in district schools, wherein the term "economically disadvantaged" refers to students who qualify to receive free school breakfasts and lunches for living in a household at or below 185 percent of the federal poverty line.

In the Big Eight schools, 90 percent of charter school students are considered economically disadvantaged compared to 93 percent of district school students. However, the author contends that the actual number of district school students who are economically disadvantaged may be lower than that, because six of the Big Eight schools participate in the federal Community Eligibility Program, which designates 100 percent of students in those districts as economically disadvantaged for the purpose of receiving free school breakfasts and lunches. For example, Columbus City Schools reported serving 79 percent economically disadvantaged students in the 2013-14 school year, and 100 percent the next year.

In addition, the statewide charter school population is comprised of 46 percent African American students, compared to the district school population comprised of 14 percent African American students. Big Eight charter schools serve 68 percent African American students compared to the 56 percent African American student population of Big Eight district schools, according to the report.

Though the author acknowledges "a few bad actors in the charter sector whose misdeeds have been amplified by critics and the press," he argues that many charters provide high-quality education options for students who seek an alternative to district schools. Supporting options for increased school choice that are currently serving high populations of economically disadvantaged and African American students is an important step towards school funding equity, Fordham argues.

In order to bring Ohio charter school funding on par with district schools, Fordham recommends capturing portions of local funds for use by charter schools. This could be accomplished a number of ways, including through local tax-sharing agreements, a method approved by the state and currently used by 19 Cleveland charter schools.

Other recommendations include allocating greater state funds to charter schools or mandating that local funds "follow students" to their schools of choice.

The author observes that redirecting local funds to charter schools will face political headwinds, but not allocating local funds to charter schools "reflects a narrow view of public education that sees districts as the only institutions with a proper claim on federal, state and local tax dollars. It also ignores the notion that public funds ought to flow to the schools responsible for educating students, as well as the fact that districts should enjoy cost savings when they serve fewer students."

To read the full report, visit [www.hannah.com>Important New Documents>Library](http://www.hannah.com>Important New Documents>Library).

## **OAC Announces 2019 Award Winners**

The Ohio Arts Council (OAC) Wednesday released the names of its 2019 Governor's Awards for the Arts.

The nine winners will receive their awards during the 2019 Arts Day luncheon and ceremony on Wednesday, May 15 at the Columbus Athenaeum. The 2019 award recipients include the following:

**Arts Administration - Phyllis Gorfain** (Oberlin/Lorain)

"Phyllis Gorfain, professor of English emerita at Oberlin College, originated Oberlin Drama at Grafton (ODAG) as a Shakespeare-centered performance program at Grafton Correctional Institution in 2012. As artistic director of ODAG, Phyllis has directed or helped direct 11 productions, five of them full or abridged Shakespeare plays. Through Phyllis' initiatives, donors and other volunteers provide funding, mentoring and many other forms of support, such as financial management, web design and maintenance, sound design and program production. ODAG thus provides a transformative space for its actors, Oberlin students, guest directors, lecturers, visiting performers, volunteers and audiences."

**Arts Education - Ensemble Theatre Cincinnati** (Cincinnati/Hamilton)

"Ensemble Theatre Cincinnati (ETC) was founded in 1986 on a belief that the arts make neighborhoods thrive. For more than 30 years, ETC has built a reputation for exceptional artistic leadership and engaging community-centered programming. ETC presents some of the most exciting new plays in its region, and as a pillar in Cincinnati's arts community, ETC continues to play an essential role in leading Over-the-Rhine's thriving urban arts district. ETC's artistic focus is to premiere socially conscious plays that drive important community conversations and to hire professional artists who want to call Cincinnati home (for the long run). It provides theatre education programs that enrich young minds and prioritize inclusivity, diversity, and access, creating pathways to successful professional careers for the next generation of artists while growing the local talent pool."

**Arts Patron - Sallie and Randolph Wadsworth** (Cincinnati Area/Hamilton)

"Sallie Robinson Wadsworth and Randolph "Duck" Wadsworth have made an impact on Greater Cincinnati through their legacy of philanthropic support in the visual arts, music and theatre communities. Although Sallie passed away on Nov. 22, 2017, Duck, who taught English literature at Miami University, continues to passionately support the arts. In 2013, the Sallie Robinson Wadsworth Endowment for Exhibitions was developed as part of the Taft Museum of Art's \$12 million endowment campaign. Sallie and Duck have also supported the Cincinnati Symphony Orchestra, Cincinnati Playhouse in the Park and the University of Cincinnati College-Conservatory of Music. Duck currently serves on the board of Cincinnati Playhouse in the Park and as director emeritus at the Cincinnati Symphony Orchestra. Sallie served on the boards of many organizations, including the Taft Museum of Art, Cincinnati Playhouse in the Park and the Children's Theatre of Cincinnati, and volunteered with the Special Projects Pool of the Cincinnati Institute of Fine Arts (now ArtsWave)."

**Business Support of the Arts - Owens Corning** (Toledo/Lucas)

"Owens Corning (OC) is a global market leader in the development, manufacture, and marketing of insulation, roofing and fiberglass composite products and solutions. Based in Toledo, OH, for more than 80 years, OC is committed to leveraging its people and products to make the world a better place. The company's dedication to providing access to the arts in its home community serves as a tangible demonstration of its purpose. Through its financial support, board participation, and widespread employee volunteerism, OC is helping to build a vibrant community that is enhanced by the world-class cultural amenities and visual and performing arts organizations it supports."

**Community Development & Participation Ronette Burkes** (Marysville/Union)

"Ronette 'Roni' Burkes-Trowsdell serves as warden at the Ohio Reformatory for Women (ORW) in Marysville, OH. Throughout Roni's 18-year tenure with the Ohio Department of Rehabilitation and Correction, it has been apparent her inner drive is fueled by her passion for people. Roni has chosen to lead and support diverse projects that aim to increase access to the arts for those who are justice-involved around the state. By offering these opportunities for creative expression, ORW is actively working to encourage community engagement between people inside and outside prison. Roni's involvement with the Harmony Project in Columbus and her dedication for the past 28 years to the service work of her sorority, Alpha Kappa Alpha, also exemplifies her drive to save lives. She currently serves as president-elect for the Ohio Wardens and Superintendents Association, vice president for the Ohio Chapter of the National Association of Blacks in Criminal Justice, and as an advisory board member for Franklin University's Center for Public Safety and Cybersecurity Education and Tiffin University's Alumni Board."

**Community Development & Participation - RJ Thompson** (Youngstown/Mahoning)

"RJ Thompson is a tenured assistant professor of graphic and interactive design in the Department of Art at Youngstown State University. Parallel to his teaching, he is the principal and creative strategist for +Public, a design research-based social enterprise that focuses on cultivating community and economic development impact through the creation of branded communication platforms, creative place-making and storytelling initiatives for communities-in-revival. In 2015, he was one of several recipients of the National Endowment for the Arts' 'Our Town' grant for the INPLACE (Innovative Plan for Leveraging Arts and Community Engagement) project. In 2017, RJ received a 'Best of Marketing Award' from the Ohio Economic Development Association for his efforts in rebranding the city of Youngstown, OH, and in 2018, he was accepted into the prestigious Cohort 2 of the National Arts Marketing Project. RJ recently received a scholarship to participate in the National Arts Strategies' 'Arts and Culture Strategies Executive Program' through the University of Pennsylvania. He received his Master of Fine Arts Degree in graphic design from Savannah College of Art and Design in 2011."

**Individual Artist - Leslie Adams** (Toledo/Lucas)

Leslie Adams, a signature status member of the Portrait Society of America, is an internationally recognized artist specializing in narrative art and portraiture. Her patrons include many distinguished members of private society as well as the corporate, academic, religious, cultural, judicial, and civic leaders of our day. Leslie's works have graced the walls of the Smithsonian Institution's National Portrait Gallery, the Butler Institute of American Art and the European Museum of Modern Art in Barcelona, Spain. Her meticulously rendered drawings and paintings have received awards in the Art Renewal Center's 'International ARC Salon' and from the American Society of Portrait Artists' Foundation and Portrait Society of America, where she earned the prestigious William F. Draper Grand Prize in its International Portrait Competition. Her major solo exhibition, 'Leslie Adams, Drawn from Life,' part of the Toledo Museum of Art's 2012 Season of Portraiture, was a childhood dream fulfilled and the most significant milestone of her career since graduating from the University of Toledo and New York Academy of Art. She is represented in the permanent collections of the Toledo Museum of Art, the Ella Sharp Museum of Art, the Academy of Achievement," the Ohio Statehouse where several of her portraits of former Ohio governors hang as well as numerous other institutions throughout the world.

**Individual Artist - Mark Lomax II** (Columbus/Franklin)

"Dr. Mark Lomax II, a critically acclaimed composer, recording artist, drummer, activist, and educator, is a Wexner Center for the Arts at the Ohio State University (OSU) Artist Residency 2018 award recipient. A highly sought-after lecturer, Mark specializes in the socio-political and spiritual aspects of African-American art, music, race and the usage of the arts to build community. Heavily influenced by his father, a pastor, and mother, a composer of gospel music, Mark was introduced to gospel and jazz at an early age and continued his study of gospel music with Dr. Raymond Wise, founder of the Center for the Gospel Arts. As a jazz musician, he has toured with the Delfeayo Marsalis Sextet and worked with notable artists such as Clark Terry, Marlon Jordan, and Azar Lawrence, among others. Mark, also a 2017 Denison University Mellon Artist-in-Residence, holds a Doctor of Music Arts degree in composition from OSU. He is in a prestigious and elite group as one of 30 or so African-American composers in the United States who have terminal degrees in classical music. His myriad experiences have allowed him to create a unique blend of styles in his music."

**Irma Lazarus Award - Dayton Literary Peace Prize** (Dayton/Montgomery)

The Dayton Literary Peace Prize (DLPP) honors writers who use the power of literature to foster peace, social justice, and global understanding. Launched in 2006 and recognized as one of the world's most prestigious literary honors, it is the only literary peace prize awarded in the United States. Each year, the prize awards \$10,000 to one fiction and one nonfiction author whose work advances peace as a solution to conflict and leads readers to a better understanding of other cultures, peoples, religions, and political points of view. Additionally, the Ambassador Richard C. Holbrooke Distinguished Achievement Award is bestowed upon a writer whose body of work reflects the prize's mission. Since its inception, the Dayton Literary Peace Prize Foundation, principally made up of volunteers, has awarded prizes to 72 established and emerging authors from 20 countries. Through the DLPP University and Library Consortiums, presentations have reached tens of thousands of high school, college, university, and community readers, and DLPP-developed curricula based on winning books is used in Ohio high school and university classes.

## Notable Quotes around Capitol Square

"I usually tell people my shoes are older than the people I work with down here [at the Statehouse]."

-- **Senate Minority Leader Kenny Yuko** (D-Cleveland), speaking to a group gathered at the Statehouse to observe Public Education Week.

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"The penalty in this case was a \$120 minor misdemeanor fine. If you look at my driving record, I think I've gotten more expensive traffic tickets than that. That's frankly unacceptable."

-- **Rep. Niraj Antani** (R-Miamisburg) comparing the penalty an owner faces if their dog attacks and injures or kills another individual versus other crimes.

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"I think the recent disagreement over the State of the Union ... shows some of the partisan gamesmanship going on in Washington, and frankly if President Trump isn't able to give his speech in Congress, he ought to come to the Ohio Senate. We would welcome him here."

-- **Ohio Senate President Larry Obhof** (R-Medina) commenting on the partial federal government shutdown, saying he hopes Congress will work out their differences on the shutdown by March.

## State Government Roundup

### Westerville Middle School Wins State Future City Competition

Students from Westerville's Heritage Middle School will travel to Washington D.C. to compete in the national Future City Competition after winning the state region, the Ohio Environmental Protection Agency (Ohio EPA) announced Wednesday.

Sixth, seventh and eighth grade students throughout Ohio recently participated in the State DiscoverE's Future City Competition at the Eastland-Fairfield Career and Technical School in Groveport, Ohio EPA said in a news release.

Heritage Middle School will participate in the national competition during National Engineers Week, which takes place from Sunday-Saturday, Feb. 17-23. Heritage Middle School also won "Best Use of Ceramics" in the state competition.

Batavia Middle School, which placed second in the regional competition, also won "Best Architectural Model."

Teams from 15 middle schools throughout the state researched technologies, designed cities, wrote 1,500-word essays and presented plans and models during the competition. Teams competed for awards in a variety of categories including infrastructure, recreation, transportation, energy, use of recycled materials, ceramics, land surveying practices, rookie of the year and people's choice. The Ohio regional competition is sponsored in part by PPG, AEP, Commonwealth Associates, Ohio University's Russ College of Engineering, Ohio EPA, IBI Group, YesPress Graphics and Eastland-Fairfield Career and Technical School.

Rounding out the top five winners were the following: Cardinal Middle School (Middlefield), third place, also won "Best Moving Part"; Indian Hill Middle School (Cincinnati), fourth place, also won "Best Use of Water Resources Engineering"; and St. Ambrose Middle School (Brunswick), fifth place, also won "Honorable Mention for Best Moving Part."

Ohio EPA sponsored two categories, including the Best Use of Water Resources Engineering category won by Indian Hill Middle School. Teams selected appropriate drinking water sources, treatment technologies, collection and distribution systems and disposal locations. The strategic location of drinking water and wastewater treatment plants, use of water conservation strategies and efforts to protect water sources also were considered in the scoring. Old Trail Middle School (Bath) won the "Most Environmentally Friendly" category. In this category, teams planned for handling outflows from industrial, commercial and residential waste streams along with recycling strategies, advanced energy plants, treatment techniques and efforts to keep effluent streams away from residential areas.

The Future City Competition is a national, not-for-profit education program. Across the country, more than 40,000 students from 1,350 middle schools typically participate in the competition nationwide. For more information contact Future City Ohio at [www.futurecity.org/ohio](http://www.futurecity.org/ohio).

### **ODNR Names Assistant Wildlife Chiefs**

Pete Novotny and Todd Haines are the assistant chiefs for the Ohio Department of Natural Resources (ODNR) Division of Wildlife, the department announced Wednesday.

Together, Novotny and Haines bring more than 50 years of experience working for the division to their respective positions, ODNR Division of Wildlife Chief Kendra Wecker said in a news release.

Novotny began his career with the ODNR Division of Wildlife in 1996 as a wildlife officer, serving Harrison County. He continued working in the division's law enforcement section until 2015, when he was promoted to manager of the division's District Three office in Akron, where he led a staff of biologists, wildlife officers, public outreach and business personnel. Since April 2018, he has served as acting assistant chief and administrator of the division's law enforcement section, overseeing all fisheries, wildlife, law enforcement and district operations. Novotny received a Bachelor of Arts degree in biology from Wittenberg University. He resides in Cadiz with his wife and two sons.

Haines began his career with the ODNR Division of Wildlife in 1987, working as a wildlife research technician in Oak Harbor. In 1993, he moved to Southwest Ohio, working as a management supervisor in the division's District Five office in Xenia. Since 2003, Haines has served as the manager of the District Five office, leading local staff, building support with constituents and supporting hunting and fishing opportunities for the public. Haines received a Bachelor of Science degree in wildlife management from West Virginia University. He resides in Wilmington with his wife, and they have two sons.

### **Children's Trust Fund Unveils New Website**

The Ohio Children's Trust Fund (OCTF), which works to prevent child abuse and neglect, has a new website with information and resources related to caring for children. For parents, the website has links to parenting classes, articles about pregnancy and safe sleep. For professionals, it has information about continuing education events, the effects of trauma on child development, the protective factors that can strengthen families and prevent abuse and other subjects. It can be found online at <https://octf.ohio.gov/wps/portal/gov/octf/>.

"The new site will be a tremendous resource for parents and professionals alike," said OCTF Executive Director Lindsay Williams. "We hope it will help spread awareness of our statewide initiatives and the many child abuse and neglect prevention services available throughout the state."

The Ohio General Assembly created the OCTF in 1984 as the state's sole public funding source dedicated to child abuse and neglect prevention. It is housed within the Ohio Department of Job and Family Services and governed by a board of 15 members responsible for policy, direction and expenditures.

Local prevention efforts are led by eight regional prevention councils, whose work is highlighted on the new website as well.

"Having been engaged in conversations surrounding the OCTF website since I joined the OCTF board in 2015, I am absolutely thrilled with the final product," said Rep. Sarah LaTourette (R-Chesterland), immediate-past board chair. "The content and user-friendly features of the new site capture our vision to promote the efforts of the eight regions and ultimately the mission of preventing child abuse and neglect across all of Ohio."

Added OCTF Program Manager Nicole Sillaman, "At the trust fund, much of our work occurs upstream, through the funding and delivery of programs and services aimed at preventing child abuse and neglect before a family is in crisis. It's a public health approach where we engage with families to provide support, education and resources to improve the health, safety

and stability of families. This is why our mission at the trust fund is to prevent child abuse and neglect through investing in strong communities, healthy families and safe children."

### **Registration Open for March 5 Ohio Wildlife Diversity Conference**

The 35th annual Ohio Wildlife Diversity Conference hosted by the Ohio Department of Natural Resources (ODNR) will explore restoration work being done throughout the Buckeye State.

"From slithering serpents attempting a comeback tour to towering trees wanting an encore, this conference is full of funky presentations." This year's keynote speaker is Dr. Chris Vandergoot from the U.S. Geological Survey. Vandergoot has been heavily involved in efforts to re-establish lake sturgeon in the Maumee River. This past fall, 3,000 juvenile sturgeon were released into the river, with more releases planned in future years.

The conference, sponsored by the ODNR Division of Wildlife, will be held on Tuesday, March 5, at the Ohio Union (1739 N. High St.) on the Ohio State University (OSU) campus in Columbus. Doors open at 8 a.m. while the conference itself, titled "Stayin' Alive," will run from 9 a.m.-3:30 p.m. It is open to the public and conference attendees should park in the attached Ohio Union South parking garage for \$10. Advance registration runs \$25 until March 1; after that it goes to \$35. A reduced-price student registration is also available for \$10. Those who pre-register before the day of the conference will have the option of signing up for lunch.

Conference attendees who register before the day of the conference may also purchase the 2019 Ohio Wildlife Legacy Stamp and pin featuring a pair of barred owls at the discounted price of \$12, a 20 percent savings. Stamps and pins will also be available for purchase at the conference for the regular price of \$15.

Details about the Ohio Wildlife Legacy Stamp are available at [wildohio.gov](http://wildohio.gov). Proceeds from the sale of the annual Ohio Wildlife Legacy Stamp are used to support endangered and threatened native species, habitat restoration, land purchases, conservation easements, and educational products for students and wildlife enthusiasts.

The first Ohio Wildlife Diversity Conference was held at OSU in 1985 with 40 people in attendance. The conference continues to grow, with more than 1,000 people at last year's day-long event. Representatives from a wide range of conservation and natural resources organizations, including ODNR, will have displays and be available to answer questions.

To register, go to [wildohio.gov](http://wildohio.gov) or call 800-WILDLIFE (945-3543).

## **Judicial Actions**

### **Ohio Supreme Court Oral Arguments**

**Tuesday, Jan. 29, 2019**

#### ***State of Ohio v. Carlos Romero***

(Was Defendant Properly Informed of Immigration Ramifications of Guilty Pleas?)

ISSUE: Did a trial court abuse its discretion when overruling a motion to withdraw a guilty plea from a defendant who alleged his lawyer didn't inform him of deportation consequences?

#### ***State of Ohio v. Danielle K. Martin***

(Was Woman's Right to Speedy Trial Violated?)

ISSUE: Does a speedy trial time calculation stop when a trial court agrees to delay a case but doesn't journalize its decision?

***State of Ohio v. Jaonte D. Hairston***

(Did Police Have Reasonable Suspicion to Stop Man Walking in Area Where Gunshots Were Heard?)

ISSUE: When responding to very recent gunfire in an area known for criminal activity, is it reasonable for officers to draw their weapons and detain the only individual seen in the area? (See *The Hannah Report*, 1/22/19.)

***Disciplinary Counsel v. Thomas A. Shimko***

(Board Recommends Suspension for Lawyer's 'Threatening and Unprofessional' Legal Action against Client)

## Wednesday, Jan. 30, 2019

***State of Ohio v. Justin Wintermeyer***

(Does Unsearched Man Have Right to Claim Illegal Police Search?) (See *The Hannah Report*, 1/22/19.)

ISSUES:

- Can a defendant claim a violation of his Fourth Amendment rights against unreasonable search and seizure when police discover the contraband that led to his arrest by searching a companion?
- Do prosecutors waive the right to argue a defendant's lack of standing on appeal if the issue wasn't raised at a trial court evidence suppression hearing?

***The Farmers State Bank v. Steven Sponaugle et al.***

(Was Foreclosed Home Sold Too Soon?)

ISSUES:

- If a foreclosure decree is a non-final order, can a sheriff's sale be confirmed?
- If a foreclosure decree that determines liability and the amount due to the foreclosing lender and that leaves the remaining amounts to be calculated later a final order allowing its execution?

***Jeffrey Kljun et al. v. Sarah Morrison, administrator, Ohio Bureau of Workers' Compensation et al***

(Did Appellate Court Misapply Law-of-the-Case Doctrine?)

ISSUE: Does the "law-of-the-case doctrine" apply only to matters addressed in an earlier appeal of the case or can it extend to issues not addressed in the earlier appeal?

***A.S. v. J.W.***

(Can Court Bypass Provision Regarding Calculation of Commissions for Child Support Purposes?)

ISSUE: For the purpose of calculating child support, are commissions treated in the same manner as overtime and bonuses when determining "gross income"?

## **LEGISLATIVE ACTIONS**

**The House adjourned until Monday, Jan. 28, 2019 at 10 a.m. (Nonvoting Session)**

**The Senate adjourned until Monday, Jan. 28, 2019 at 11 a.m. (Nonvoting Session)**



## Friday, Jan. 25, 2019

### **ADDICTION/SUBSTANCE ABUSE**

Gov. Mike DeWine Friday announced a new panel to advise his RecoveryOhio initiative that will include former Gov. Ted Strickland and former Ohio Supreme Court Justice Evelyn Lundberg Stratton. DeWine, speaking in Columbus at the first meeting of the council that he created by executive order on Monday, said the RecoveryOhio Advisory Council will advise RecoveryOhio Director Alisha Nelson on strategies and ways for agencies to better collaborate and work together on the drug addiction problem in the state. He said the group will make actionable recommendations, including fiscal appropriations for the upcoming state budget, and he is asking for the recommendations to be delivered to him no later than Friday, March 8.

### **ATTORNEY GENERAL**

Johnson & Johnson and companies it owns will pay 45 states including Ohio and the District of Columbia \$120 million as part of a settlement to resolve allegations that a Johnson & Johnson-owned company unlawfully promoted its own metal-on-metal hip implant device, Ohio Attorney General Dave Yost said Tuesday.

### **CHILDREN/FAMILIES**

The Ohio Children's Trust Fund (OCTF), in collaboration with the Governor's Ohio Human Trafficking Task Force, awarded over \$90,000 in grant funding to seven organizations to develop and implement human trafficking prevention programs across Ohio. These projects will identify and assist at-risk youth and provide them with information and resources to prevent human trafficking, OCTF said.

The recently formed Governor's Advisory Committee on Home Visitation held its first meeting Thursday to introduce the body's goals and responsibilities to the members as well as share a baseline understanding of some of Ohio's state-funded home visitation and early intervention programs. LeeAnne Cornyn, Gov. Mike DeWine's director of Children's Initiatives, kicked the meeting off by walking members through the executive order signed by DeWine earlier in the month.

### **CIVIL RIGHTS**

Gov. Mike DeWine, former U.S. Secretary of Education John King and other officials spoke of the need to increase opportunity for all children at Monday's annual Martin Luther King Jr. breakfast in Columbus, this year focused on the message of King's essay, "The Purpose of Education." The essay, which King wrote while a student at Morehouse College, states in part: "We must remember that intelligence is not enough. Intelligence plus character -- that is the true goal of education." In it, King cites the late Georgia Gov. Eugene Talmadge, "possessed of one of the better minds of Georgia ... By all measuring rods, Mr. Talmadge could think critically and intensively; yet he contends that I am an inferior being. Are those the types of men we called educated?"

## DEATH PENALTY

By a vote of 8-0, the Ohio Parole Board on Friday recommended that Gov. Mike DeWine deny clemency to convicted murderer Warren "Keith" Henness. In 1992, Henness was convicted of aggravated murder and sentenced to death for the killing of 51-year-old Richard Myers.

## DISABILITIES

As he retired after serving 12 years as director of the Ohio Department of Developmental Disabilities (DODD) under two governors, John Martin published the following letter to the disabilities field: "It has been my privilege to serve with all of you over the past 12 years. I started at a time when there was much discord in the field, and I appreciated that I was given the opportunity and support to work at eliminating that discord. Because of that, together we got through the recession without cutting rates or services -- a standard we have been able to maintain through the ups and downs of these past 12 years."

## EDUCATION

Ohio ranked 24th in the nation on preparing its students for success, according to the annual "Quality Counts" report on state educational quality from *Education Week*. The publication this year is breaking Quality Counts into three installments, with a report on school finances due in June and another on academic achievement measures in September. Ohio earned a B-minus on the report's chance-for-success index, which looks at 13 indicators in three categories: early foundations, school years and adult outcomes. The average grade for states is C-minus.

The numbers of Ohio charter schools and students attending them declined again last school year, continuing a downward trend that's held since those numbers peaked in the 2013-2014 academic year, according to the Ohio Department of Education's annual report on charter schools. The report, released at the end of 2018, tallies charter school enrollment at 104,000 for the 2017-2018 school year, or about 7 percent of overall student enrollment in the state. That compares to 110,961 the previous year, 120,893 at the charter sector's peak in 2013-2014 and 82,643 a decade ago. The number of schools, 340, is down from 362 in 2016-2017 and 395 in the peak year, but up from the 326 schools operating 10 years ago.

The National Alliance for Public Charter Schools (NAPCS) marked the observance of School Choice Week with the release of its 10th annual rating of states' laws governing charter schools, which puts Ohio mid-pack at 23rd among 44 jurisdictions that authorize charter schools -- essentially unchanged from the previous year. Ohio was 23rd of 45 last year; NAPCS dropped Kentucky from its ratings this year because a funding impasse rendered that state's relatively new charter school law moot for the moment. Another of Ohio's neighbors, Indiana, retained its No. 1 spot in the report, while Michigan is 27th and Pennsylvania is 34th. West Virginia does not have a charter school law. Maryland is rated last.

Career technical and adult education facilities deserve more state funding for renovation and equipment upgrades, Gov. Mike DeWine said Wednesday. "As we look to the future, and as we work with the Legislature, this is a governor who is going to be very mindful of how important the career centers are," DeWine told attendees of a legislative seminar held by the Ohio Association for Career and Technical Education (Ohio ACTE) at the Capitol Square Sheraton.

Major strides are by being made by businesses in developing the job opportunities of tomorrow, as well as by educators in giving students the skills they need to succeed. The problem is, those two sides aren't always communicating well. That will be one of his priorities in his new role, Lt. Gov. Jon Husted told the audience at a closing address of the Ohio Association for Career and Technical Education's 2019 Legislative Seminar at the Capitol Square Sheraton Thursday.

## EMPLOYMENT/UNEMPLOYMENT

Ohio's unemployment rate remained at 4.6 percent in December, the Ohio Department of Job and Family Services (ODJFS) said Friday, unchanged from the November rate as the state added 2,900 jobs over the month. According to ODJFS, the number of workers unemployed in Ohio in December was 265,000, up 2,000 from 263,000 in November. The number of unemployed has decreased by 16,000 in the past 12 months from 281,000. The December unemployment rate for Ohio

decreased from 4.9 percent in December 2017. The U.S. unemployment rate for December was 3.9 percent, up from 3.7 percent in November, and down from 4.1 percent in December 2017.

## FEDERAL

A U.S. Department of Defense (DOD) policy banning transgender individuals who have been diagnosed with "gender dysphoria" and are seeking or have already received medical gender transition treatments can go into effect immediately, the U.S. Supreme Court (SCOTUS) ordered Tuesday. The three separate but related cases challenging the Trump administration's policy in the U.S. District Court for the Central District of California, U.S. District Court for the District of Columbia and the U.S. Ninth Circuit Court of Appeals will continue, however, as SCOTUS denied the government's request to bypass the lower courts completely and grant a writ of certiorari.

The Administrative Office of the U.S. Courts (AO) now estimates that federal courts can sustain funded operations through Thursday, Jan. 31. The Judiciary continues to explore ways to conserve funds so it can sustain paid operations through Feb. 1. No further extensions beyond Feb. 1 will be possible. The Judiciary previously had revised its estimate for exhausting available funds from Jan. 18 to Jan. 25.

## GENERAL ASSEMBLY/STATEHOUSE

Rep. John Becker (R-Cincinnati) said this weekend he will donate the legislative pay increase he received as a part of 132-SB296 (Hottinger) to community groups, starting with sending his January increase to the Cincinnati Nature Center.

Recently elected Rep. Don Manning (R-New Middletown) told *Hannah News* he is well aware of the fact that he's a change of pace for Ohio's 59th district. He's the first Republican in decades to hold the seat near Youngstown, but his interests don't have much to do with partisan politics. Manning's background is in criminal justice. In the past, he's had experience as a truancy officer, a detention officer and a juvenile probate officer. Following that work, he was a case manager at nonprofit organizations.

The Ohio House of Representatives and Ohio Senate announced their members to a number of joint committees including the Controlling Board, Joint Committee on Agency Rule Review (JCARR), Joint Education Oversight Committee (JEOC), Joint Legislative Ethics Committee (JLEC), Joint Medicaid Oversight Committee (JMOC), Legislative Task Force on Redistricting, Reapportionment and Demographic Research and the Sunset Review Committee.

House Speaker Larry Householder (R-Glenford) Tuesday announced the hiring of Matthew McAuliffe as the deputy chief of staff for policy for the House majority, where McAuliffe will lead the development and implementation of the Republican Caucus policy agenda.

Rep. Emilia Sykes (D-Akron) was chosen by her colleagues to serve as House minority leader in the 133rd General Assembly after a caucus meeting Wednesday. She succeeds Rep. Fred Strahorn (D-Dayton), who stepped down after he was on the opposite side of most his caucus when it voted for House Speaker Larry Householder (R-Glenford) at the beginning of session. Rep. Kristin Boggs (D-Columbus) was chosen as assistant minority leader while Rep. Kent Smith (D-Euclid) was elected minority whip and Rep. Paula Hicks-Hudson (D-Toledo), a former Toledo mayor and serving her first term in the House, was elected assistant minority whip.

Reps. Niraj Antani (R-Miamisburg) and Glenn Holmes (D-McDonald) are reintroducing legislation in the 133rd General Assembly that would add penalties for the owners of dangerous dogs that injure or kill people and expand the powers of county dog wardens. Antani said he'd like to start work early on the issue that has appeared multiple times in the past. The text of the legislation is nearly identical to 132-SB195 (Beagle-Lehner), which stalled in the Senate Judiciary Committee in February 2018.

Senate President Larry Obhof (R-Medina) Thursday previewed what might be among the first bills introduced in his chamber, saying many will address regulatory reform, as well as another Lake Erie and waterway protection bill.

A new federal lawsuit filed this week claims Sen. Joe Uecker (R-Loveland) illegally blocked a Batavia man from his official Facebook page after a discussion over Uecker's support for the heartbeat bill, which would ban abortions once a fetal

heartbeat can be detected, according to the *Cincinnati Enquirer*. The newspaper reported Anthony Fambry filed the lawsuit in U.S. District Court in Cincinnati, claiming Uecker violated Fambry's First Amendment right to freedom of speech after banning Fambry from commenting on Uecker's official Facebook page and deleting comments from a post.

## GOVERNOR

Gov. Mike DeWine convened his first cabinet meeting Tuesday, about a week after taking the oath of office. After a group picture and ceremonial photo shoots with cabinet members and their families, DeWine spoke briefly about the message he'd have for them in the meeting, stressing that he and they are "the servant of the people."

DeWine administration officials faced a Friday deadline for determining the effects of the federal government shutdown, Gov. Mike DeWine said Wednesday. He also said he expects to nominate a director to the Ohio Department of Health (ODH) in the next 10 days. On another question concerning whether he will pursue merging several education-related agencies, DeWine commented that it's not generally his philosophy to pursue major structural changes in government.

## HEALTH AND HUMAN SERVICES

The Ohio Department of Job and Family Services (ODJFS) this month launched a new foster care and adoption website to give Ohioans more information about the process. The website -- [www.FosterAndAdopt.jfs.ohio.gov](http://www.FosterAndAdopt.jfs.ohio.gov) -- contains information for both current and prospective foster and adoptive families.

## HIGHER EDUCATION

Former Rep. Mike Duffey (R-Worthington) has joined the DeWine administration. The Ohio Department of Higher Education now lists him as senior vice chancellor.

Ohio State University's College of Arts and Sciences is launching five new undergraduate major programs that reflect trends in interdisciplinary learning, the university announced. They include a Bachelor of Science degree in integrated math and English; Bachelor of Arts degree in Italian studies; Bachelor of Arts and Bachelor of Science degrees in medical anthropology; a collaboration between the departments of philosophy, political science and economics to grant a Bachelor of Arts degree; and Bachelor of Science degree in statistics.

The faculty union at Wright State University (WSU) began striking at 8 a.m. Tuesday in an effort to urge the university's administration to return to the negotiating table for their current contract, effective through 2020, and their next, effective through 2023.

Bowling Green State University (BGSU) announced that it is launching a Master of Health Services Administration (MHSA) degree program Jan. 28, at the start of spring semester. BGSU said the program prepares professionals for leadership positions in the complex, rapidly changing structure and financing of health care and health-service organizations. With real world internships and coursework taught by faculty and working leaders of health organizations, the program prepares graduates with the business, technological, public health and leadership foundations to lead health services organizations.

The Women in Science and Engineering Roundtable (WISER) at Case Western Reserve University (CWRU) has established the Program Rewarding Innovation in STEM Entrepreneurship (PRISE) to support undergraduate students interested in STEM innovation, discovery and creativity, CWRU said recently.

## HOUSING/HOMELESSNESS

Ohioans sold slightly fewer homes in 2018 compared to 2017, but garnered higher prices on average, according to Ohio Realtors. Sales in 2018 reached 150,258, a 1.0 percent drop from the record-setting 151,748 seen in 2017. The average sales price increased 5.6 percent, from \$172,884 to \$182,561. Total sales volume of \$27.8 billion in 2018 was 4.9 percent higher than 2017's \$26.5 billion.

## JUDICIAL

Two cases involving disputed police searches are among the cases the Ohio Supreme Court will hear during upcoming oral arguments the week of Jan. 28. In two separate cases, the Franklin County prosecuting attorney is asking the Ohio Supreme Court to overturn lower court decisions invalidating searches of suspects by the Columbus police. The cases are *State v. Hairston* and *State v. Wintermeyer*.

The Ohio Board of Professional Conduct has reminded judges, magistrates and judicial candidates of their annual financial disclosure requirements. Most judicial officers must file their 2018 financial disclosure statements by Wednesday, May 15, 2019. The Ohio Ethics Law and Code of Judicial Conduct requires each judicial officer and each candidate for judicial office to file an annual financial disclosure statement with the Board of Professional Conduct. The filing requirement applies to all full- or part-time judges who served by election or appointment at any time in 2018, all full- or part-time magistrates who served at any time in 2018 and each retired judge who served, or was eligible to serve, by assignment of the chief justice in 2018. In addition, each candidate for judicial office in 2019 must file a financial disclosure statement.

Ohio Supreme Court Chief Justice Maureen O'Connor Wednesday convened a 24-member task force to review Ohio's bail system and make recommendations to the Court by April. The Task Force to Examine the Ohio Bail System is chaired by Montgomery County Common Pleas Judge Mary Katherine Huffman.

## LOBBYISTS

The Ohio Municipal League (OML) Wednesday announced the hiring of Thomas Wetmore as legislative advocate. Most recently, Wetmore worked for a political action committee as a grassroots voter outreach manager for Ohio's 2018 gubernatorial election.

## MARIJUANA

On the first day of operation last week, Ohio medical marijuana dispensaries sold \$75,000 worth of product to patients. Dispensaries sold 8.7 pounds of cannabis, according to a release from the Ohio Board of Pharmacy (OBP).

## MEDICAID/MEDICAID REFORM

Policy experts met Thursday for a debate on Medicaid work requirements that quickly morphed into a broader discuss about the federal-state health care program's efficacy and sustainability. The Columbus Lawyers Chapter of the Federalist Society hosted Thursday's discussion with Michael Cannon, health policy studies director for the Cato Institute, and Loren Anthes, a Medicaid policy fellow with the Cleveland-based Center for Community Solutions.

## NATURAL RESOURCES

The Ohio Department of Natural Resources (ODNR) released the final version of its Lake Erie Coastal Erosion Area maps. These maps will now be used to determine if a property along Ohio's Lake Erie coast is located within a designated Coastal Erosion Area (CEA), ODNR said. The 2018 maps are replacing the 2010 maps.

ODNR has designated the 152nd wildlife area in the state for the purpose of wildlife conservation, propagation and habitat management. In December 2018, the ODNR Division of Wildlife closed on property in Southwest Brown County, with this newly-purchased parcel to be known as the Eagle Creek Wildlife Area.

Kendra Wecker is now the chief of the ODNR Division of Wildlife, ODNR Director Mary Mertz announced over the weekend. Wecker has advised numerous ODNR Division of Wildlife chiefs and other senior staff on legislative issues for all aspects of hunting, fishing, trapping and shooting sports. She has also worked on many large projects including commercial fishing regulations, Sunday hunting and shooting ranges.

## NONPROFIT ORGANIZATIONS

JobsOhio announced this week that it has earned of the Ohio Association of Nonprofit Organizations' (OANO) Seal of Excellence for successfully completing its Standards for Excellence accreditation program. Organizations bearing the seal not only obey the law, but also go beyond the minimum requirements for nonprofits set forth by government regulation, JobsOhio explained.

## PEOPLE

Ruth McNeil has joined Citizens for Community Values (CCV) to lead the organization's statewide church ambassador network program, the Daniel Initiative, CCV announced Friday.

Former U.S. Rep. Jim Renacci will seek to continue his work in the public policy arena through a new political nonprofit he founded named Ohio's Future Foundation. He said Ohio's Future Foundation, where he will serve as chairman, is a policy and action-oriented organization that has the goal to move Ohio forward and "to support and empower businesses, grassroots and faith-based organizations, and individuals to listen, learn and lead Ohio into a brighter future." More information on the group can be found at [www.ohiosfuturefoundation.org](http://www.ohiosfuturefoundation.org).

Scott Coleman, Logan County engineer, was installed as president of the Ohio Council of County Officials (OCCO) for 2019-20 at the council's January meeting by Clermont County Common Pleas Court Judge Jerry McBride, who had served as OCCO president for the previous two years. Also installed were Vice President Jill Thompson, Athens County Auditor and Secretary/Treasurer Michelle Mumford, Shelby County Clerk of Courts.

## POVERTY

Despite the fact that in 2017, 14.9 percent of Ohio's residents lived in poverty -- up from 13.3 percent in 2006 before the Great Recession -- a new report from Policy Matters Ohio (PMO) shows that state support for some antipoverty programs has eroded. The full report can be found online at <https://tinyurl.com/yazumvg2>.

The latest edition of "Ohio Kids Count 2018," recently released by the Children's Defense Fund-Ohio (CDF), called for a "two-generational approach" to improve outcomes in child development and wellbeing where parents and children receive supports from state and local governments in order for parents to provide supportive environments where their children can live and grow. The report broadly recommended governments provide greater supports in the areas of education, water quality and lead mitigation, housing, workforce training and foster care as well as providing additional supports for single mothers and black and Hispanic populations.

## PUBLIC SAFETY

Members of the 141st Basic Peace Officer Class received training certificates during a graduation ceremony held Wednesday afternoon at the Ohio State Highway Patrol (OSHP) Training Academy. The 34 graduates will assume duties as peace officers for 17 Ohio agencies.

## STATE GOVERNMENT

Ohio Facilities Construction Commission (OFCC) Chairwoman Kim Murnieks suggested monthly meetings for the commission following the testimony of Pleasant Local Schools Superintendent Jennifer Adams, who said the current quarterly meeting schedule is too sparse.

## TAXATION

A bill that would eliminate the sales tax on feminine hygiene products will soon be reintroduced in the House with Republican Rep. Niraj Antani (Miamisburg) as joint sponsor, Rep. Brigid Kelly (D-Cincinnati) said Thursday at a news conference on Ohio State University's (OSU) main campus with other advocates for increasing access to tampons and pads.

## TECHNOLOGY

While it moved from the Ohio Attorney General's Office to the Ohio Department of Administrative Services (DAS) after Gov. Mike DeWine was sworn in, the CyberOhio Advisory Board will continue working to aid businesses in fighting back against cyber-attacks and developing recommendations to further economic and workforce development in IT and cybersecurity. CyberOhio Director Gregory Tapocsi said at the board's first 2019 meeting Wednesday that the move has been "a whirlwind" process, but it will offer CyberOhio more resources, adding that DAS is tasked under state law with working externally to improve cybersecurity. Since CyberOhio was not created by statute or executive order, Tapocsi said, it had freedom to be moved unilaterally.

## TRANSPORTATION/INFRASTRUCTURE

The Ohio Turnpike saw a decrease in the number of vehicles traveling along the toll road in 2018, the Ohio Turnpike Commission said. The decrease comes after three straight years of record-breaking increases in the number of vehicles on the road. According to the commission, 54.3 million passenger and commercial vehicles used the Ohio Turnpike in 2018, compared to 55.2 million vehicles in 2017, which set a record.

## UTILITIES

Commissioner Tom Johnson will not seek reappointment to his seat on the Public Utilities Commission of Ohio (PUCO), leaving 23 other applicants to vie for Gov. Mike DeWine's nod. The PUCO on Friday released the list of applicants, along with Johnson's statement announcing his decision to bow out. Among applicants to replace him are a handful of former legislators: Toledo's Michael Ashford, who was lead Democrat on the House Public Utilities Committee; Gene Krebs, formerly a House member, Preble County commissioner and chairman of the Ohio Consumers' Counsel Governing Board; and David Daniels, a former representative and senator who served as Kasich's agriculture director until being fired late in the administration because of a disagreement on water issues. The PUCO Nominating Council will meet Thursday, Jan. 31 to interview selected candidates and recommend four finalists for DeWine's consideration. He must appoint one of them within 30 days or request a new list of candidates. The appointment is subject to Senate confirmation.

FirstEnergy Solutions (FES) announced Wednesday that it had reached an agreement for a restructuring support agreement to emerge from bankruptcy in September or October 2019. The agreement will allow FirstEnergy to emerge as a "fully integrated Independent Power Producer focused on maximizing the operating and financial synergies of its retail, nuclear and fossil generating assets," according to a release. However, the Ohio Consumers' Counsel (OCC) said that the company is still seeking a "legislative bail-out of its uncompetitive old power plants."

## VETERANS

Federal employees can attend any Ohio State University (OSU) athletic event free of charge for the rest of the government shutdown, the OSU Department of Athletics announced Friday.

## WORKERS' COMPENSATION

The Ohio Bureau of Workers' Compensation (BWC) Thursday recommended a 20 percent reduction in the average premium rate charged to private employers, which will be the largest cut in nearly 60 years if approved by the BWC Board of Directors on Friday, Feb. 22. If approved, the reduction would be effective July 1 and will save private employers \$244 million over premiums for FY19. The 20 percent figure would be an average, and the actual premium paid by individual private employers would depend on a number of factors, "including the expected future claims costs in their industry, their company's recent claims history and their participation in various BWC rebate programs," BWC said.



## ***Final Committee Agenda***

**Monday, January 28, 2019**

### **CONTROLLING BOARD**

*Mon., Jan. 28, 2019, 1:30 PM, North Hearing Room*

**Wednesday, January 30, 2019**

### **OHIO SENATE**

*Wed., Jan. 30, 2019, 1:30 PM, Senate Chambers*

**Thursday, January 31, 2019**

### **REGIONAL ECONOMIC DEVELOPMENT ALLIANCE STUDY COMMITTEE**

*Thu., Jan. 31, 2019, 1:00 PM, Cincinnati OH*

The committee will meet at REDI Cincinnati, First Floor Learning Center, 3 E. 4th St., Cincinnati OH 45202.

**Monday, Jan. 28**

BEREA -- The Ohio Turnpike and Infrastructure Commission meets at 10 a.m., at the commission's administration building, 682 Prospect St.

COLUMBUS -- The Ohio Tax Credit Authority meets at 10 a.m. in the Vern Riffe Center, 77 S. High St., 31st Floor, Room South A.

NORTH CANTON -- The Ohio Children's Trust Fund Northeast Ohio Regional Prevention Council meets from 1 p.m. to 4 p.m., Stark County Educational Services Center, 6057 Strip Ave. NW.

COLUMBUS -- The Controlling Board meets at 1:30 p.m., Ohio Statehouse, Senate Building, North Hearing Room.

**Wednesday, Jan. 30**

REYNOLDSBURG -- The Board of Building Standards Residential Construction Advisory Committee meets at 9 a.m. at the Division of Industrial Compliance, 6606 Tussing Rd., BBS Library.

COLUMBUS -- The Ohio Arts Council (OAC) board meets at 11 a.m. at the OAC Office, Rhodes State Office Tower, 30 E. Broad St., 33rd floor. The full meeting will be preceded by the OAC Finance Committee meeting at 10:30 a.m. and the OAC Executive Committee meeting at 12:45 p.m., or immediately following the board meeting.

COLUMBUS -- The Columbus Metropolitan Club meets for a discussion on "Transportation's Micro and Macro Challenges" at 12 p.m., the Boat House at Confluence Park, 679 W. Spring St. The event will feature COTA President and CEO Joanna Pinkerton, SFB Consulting President and CEO Scott Belcher and Ricart Automotive Group President and Director of Sales and Marketing Rick Ricart. The event is sponsored by Robert Weiler Company.

COLUMBUS -- The Public Utilities Commission of Ohio meets at 1:30 p.m., 180 E. Broad St.

**Thursday, Jan. 31**

ASHLAND -- The Board of Building Appeals meets at 8:30 a.m. at the Ohio Department of Transportation, District Three Office, Conference Room, 906 Clark Ave.

COLUMBUS -- The Public Utilities Commission of Ohio (PUCO) Nominating Council meets at 8:45 a.m. in Hearing Room 11-B at the PUCO offices, 180 E. Broad St. The meeting is held to interview applicants for the position of commissioner of the PUCO to fill one vacancy for the term beginning April 11, 2019 and ending on April 10, 2024. The council will open in public session, hold an executive session from 9 a.m. to 12:30 p.m. and then reconvene in public session to select four candidates.

COLUMBUS -- The State Employment Relations Board meets at 10 a.m., 65 E. State St., 12th Floor.