



March 20, 2021

The Honorable Mike DeWine
Governor, State of Ohio
77 S. High Street, 30th Floor
Columbus, OH 43215

Dear Governor DeWine,

On behalf of the Ohio Association of Community Colleges (OACC), I write today to share a number of potential concerns with provisions that were included in Senate Bill 22, specifically the proposed definition of "state agency" that was amended into the bill late in the process.

Based upon our review and initial guidance from the Attorney General's office, it appears that community colleges would be subject to SB 22's provision to allow individuals to seek civil damages against a state agency for issuing orders or rules related to an emergency declared by the governor. While OACC continues to work directly with our twenty-three community colleges and the Attorney General's office to better understand what the impact is from the immunity changes in SB 22, we are concerned that it could increase liability and financial risk for our twenty-three community colleges. While we understand that the COVID pandemic has led to some extraordinary actions, our colleges act in the best interest of the health and safety of our students, faculty and staff. However, we are concerned that SB 22 may inadvertently expose community colleges to liability that could lead to an increase in litigious and financial risk for our colleges.

Since the provisions in question were added very late in the legislative deliberations, OACC is still trying to identify the potential risks to our colleges. The current legislation raises a number of questions that we simply have not had a chance to analyze to better identify the potential impacts that may result from the unintended consequences from SB 22.

We recognize the strong difference of opinions surrounding this legislation, but we also recognize the desire by both the Governor's office and General Assembly to get this right. That is why rather than allowing these potentially problematic provisions to take effect, OACC would request that the House, Senate and your Administration work toward a compromise to minimize the potential financial risk and increased liability to Ohio's community colleges.

Thank you in advance for your consideration of our concerns and request. We are grateful for your ongoing efforts and look forward to working with your office to address our questions and concerns.

Sincerely,

A handwritten signature in black ink that reads "Jack Hershey". The signature is written in a cursive, slightly slanted style.

Jack Hershey
President and CEO