



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Mike Niemi

Sub. H.B. 66

132nd General Assembly
(As Reported by S. Education)

Reps. Young, Duffey, Antani, Anielski, Ginter, Green, Hagan, Hambley, Householder, Johnson, Patton, Perales, Ryan, Sprague, Sweeney, Thompson

BILL SUMMARY

Undergraduate mission study committee

- Establishes the Undergraduate Mission Study Committee to evaluate how each state university contributes to its undergraduate mission, including by encouraging face-to-face interactions between students and tenured faculty members.
- Requires the Committee to submit a written report with its findings and recommendations to the General Assembly not later than six month after the bill's effective date.

Subcommittee on standards for teacher preparation programs

- Establishes a subcommittee of the Educator Standards Board to assist in developing standards for teacher preparation programs and any additional matters as directed by the Board.

Cybersecurity safe harbor for public and private colleges and universities

- Qualifies state institutions of higher education and private colleges and universities for the cybersecurity program affirmative defense to a tort action for a data breach.
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CONTENT AND OPERATION

Undergraduate Mission Study Committee

The bill creates the Undergraduate Mission Study Committee to evaluate the contribution made by each state university to the undergraduate mission. The bill states

that students "are entitled to receive full value for their investment in both their university and their education," which it further states may be fulfilled only through their exposure to the most experienced and accomplished talents at the university in each field. In particular, the Committee is required to consider how universities can advance the undergraduate mission by ensuring face-to-face interaction between tenured faculty members and undergraduate students. The Committee is not, however, limited to that objective.¹

Membership

The committee consists of the following 15 members:²

- (1) The Chancellor of Higher Education or designee;
- (2) The president and chief executive officer of the Inter-University Council of Ohio or designee;
- (3) The chairperson of the Ohio Faculty Council or designee;
- (4) Two state university faculty members, one each appointed by the Speaker of the House of Representatives and the President of the Senate;
- (5) Two state university chief academic officers or the equivalent, one each appointed by the Speaker and the Senate President;
- (6) Two state university students, one each appointed by the Speaker and the Senate President;
- (7) Three members of the House of Representatives appointed by the Speaker, not more than two of whom may be of the same political party; and
- (8) Three members of the Senate appointed by the Senate President, not more than two of whom may be of the same political party.

The Speaker and the Senate President each must select one of their appointees from their respective chambers to serve as Committee co-chairperson.

The Speaker and the Senate President must make their appointments within 30 days after the bill's effective date.

¹ Section 3, first paragraph.

² Section 3(A).



Duties

The Undergraduate Mission Study Committee must convene at the call of the co-chairpersons not later 45 days after the bill's effective date.³

Not later than six months after the bill's effective date, the Committee must submit a written report to the General Assembly. The report must consist of the Committee's findings and recommendations, including:

(1) A detailed summary of each state university's undergraduate mission and efforts to encourage tenured faculty to participate in it;

(2) Recommendations for how each state university can further contribute to its undergraduate mission through state-sponsored incentive programs, monetary faculty awards, legislation, or other methods;

(3) Recommendations for the criteria under which an external entity could review, and grade as either "exceeds expectations," "meets expectations," or "needs improvement" each state university's efforts to encourage tenured faculty to participate in the undergraduate mission;

(4) A recommendation of at least one external entity that could review and grade each state university under the recommended criteria;

(5) Recommendations for how each state university could include contribution to the undergraduate mission into its existing annual tenure review process for faculty, post-tenure review process, or both; and

(6) Review of the faculty composition at each institution based on employment status, including tenured, full-time tenure track, full-time nontenure track, and part-time faculty.⁴

The bill specifies that unless otherwise determined by the General Assembly, the Committee ceases to exist after submitting its report.⁵

Background on faculty workload

Under continuing law, the Chancellor of Higher of Education, in conjunction with state universities, develops standards for the instructional workloads of full-time

³ Section 3(B).

⁴ Section 3(C).

⁵ Section 3(D).



and part-time faculty. Those standards must be in keeping with the universities' missions, have a special emphasis on the undergraduate learning experience, and contain clear guidelines about a range of acceptable undergraduate teaching by faculty. The board of trustees of each state university must adopt a faculty workload policy consistent with the established standards.⁶

Subcommittee on standards for teacher preparation programs

The bill establishes a subcommittee of the Educator Standards Board to assist the Board in developing standards for teacher preparation programs and with any additional matters as directed by the Board.⁷ The subcommittee consists of:

(1) The three persons employed by institutions of higher education who are appointed by the Chancellor of Higher Education to the Educator Standards Board under continuing law. One of these persons, as determined by the subcommittee, is the chairperson of the subcommittee.⁸

(2) A representative appointed by the State Board of Education for a two-year term who represents state institutions of higher education. The State University Education Deans of Ohio, or its successor organization, must submit one or more nominees to the State Board for the appointment.

(3) A representative appointed by the State Board for a two-year term who represents private nonprofit institutions of higher education. The Ohio Association of Private Colleges for Teacher Education, or its successor, must submit one or more nominees to the State Board for the appointment.⁹

(4) Two additional members of the Educator Standards Board appointed by the chairperson of the Educator Standards Board.¹⁰

(5) The Chancellor and the Superintendent of Public Instruction, or their designees, who serve as nonvoting members.¹¹

⁶ R.C. 3345.45, not in the bill.

⁷ R.C. 3319.613(D), third paragraph.

⁸ R.C. 3319.613(A).

⁹ R.C. 3319.613(B).

¹⁰ R.C. 3319.613(C).

¹¹ R.C. 3319.613(D).

Background on the Educator Standards Board

The Educator Standards Board develops and recommends statewide standards for teachers, principals, superintendents, school counselors, treasurers, and business managers. It also develops and recommends standards for educator license renewal, professional development, and school leadership academies. It is comprised of teachers, administrators, school board representatives, higher education representatives, and parents appointed by the State Board, plus certain ex officio members.¹²

Cybersecurity safe harbor for public and private colleges and universities

The bill qualifies state institutions of higher education and private nonprofit and for-profit colleges and universities for the affirmative defense (safe harbor) from a tort action alleging failure to prevent a data breach.¹³

Background on cybersecurity safe harbor

S.B. 220 of the 132nd General Assembly, effective November 2, 2018, created an affirmative defense to any tort action against a covered entity because of a data breach, if the entity is accused of failing to implement reasonable information security controls to prevent the breach. To be eligible to use the affirmative defense, an entity must create, maintain, and comply with a written cybersecurity program that contains specified safeguards for the protection of personal information, restricted information, or both.¹⁴ The affirmative defense is also known as a "safe harbor."¹⁵

Under current law, a "covered entity" is a business that accesses, maintains, communicates, or handles personal or restricted information in or through one or more systems, networks, or services located in or outside Ohio. A "business," under current law, means any limited liability company (LLC), limited liability partnership (LLP), corporation, sole proprietorship, association, or other for-profit or nonprofit group organized under the laws of any state, the United States, or any other country.¹⁶

¹² R.C. 3319.60, 3319.61, 3319.611, 3319.612, and 3319.63, none in the bill.

¹³ R.C. 1354.01(A).

¹⁴ R.C. 1354.02, not in the bill.

¹⁵ Section 3 of S.B. 220.

¹⁶ R.C. 1354.01(A) and (B).



HISTORY

ACTION	DATE
Introduced	02-15-17
Reported, H. Higher Education & Workforce Development	11-30-17
Passed House (86-8)	12-13-17
Reported, S. Education	12-03-18

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