



# OHIO LEGISLATIVE SERVICE COMMISSION

## Final Analysis

Mike Niemi

### **Am. Sub. H.B. 66** 132nd General Assembly (As Passed by the General Assembly)

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

**Sens.** Bacon, Beagle, Lehner, Tavares, Terhar, Thomas, Uecker, Williams, Wilson, Yuko

**Effective date:** April 5, 2019

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## **ACT SUMMARY**

### **Undergraduate mission study committee**

- Establishes the Undergraduate Mission Study Committee to evaluate, and provide recommendations regarding, the contributions of state universities and tenured faculty to the undergraduate mission.
- Requires the Committee to submit a written report with its findings and recommendations to the General Assembly October 7, 2019.

### **Subcommittee on Standards for Teacher Preparation**

- Establishes a subcommittee of the Educator Standards Board to assist with issues pertaining to educator preparation programs.

### **Cybersecurity safe harbor**

- Qualifies state institutions of higher education and private colleges and universities for the cybersecurity program affirmative defense (safe harbor) to a tort action for a data breach.

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\* This version updates the effective date.

## **Requirement to contact parents of absent students**

- Requires each public school to attempt to contact within 120 minutes of the start of the school day the parent, guardian, or caretaker of a student who is absent from school without legitimate excuse.
- Provides a qualified immunity from liability for money damages in a civil action for injury, death, or loss to person or property in complying with the act's notification provisions.

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## **CONTENT AND OPERATION**

### **Undergraduate Mission Study Committee**

The act creates the Undergraduate Mission Study Committee to evaluate, and provide recommendations regarding, the contributions of state universities and tenured faculty to the undergraduate mission. The act 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 evaluate each university's efforts in ensuring the participation of tenured faculty in the undergraduate mission, including face-to-face interaction with undergraduate students.<sup>1</sup>

#### **Membership**

The committee consists of the following 15 members:

- (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 and the President of the Senate;
- (5) Two state university chief academic officers, one each appointed by the Speaker and the Senate President;

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<sup>1</sup> Section 3.



(6) Two state university students, one each appointed by the Speaker and the Senate President;

(7) Three members of the House appointed by the Speaker, not more than two of whom from the same political party; and

(8) Three members of the Senate appointed by the Senate President, not more than two of whom from the same political party.

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

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

### **Duties**

The Committee must convene at the call of the co-chairpersons, not later than May 20, 2019.

Not later than October 7, 2019, 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.

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

### **Subcommittee on Standards for Teacher Preparation**

The act establishes the Subcommittee on Standards for Teacher Preparation of the Educator Standards Board. The Subcommittee must assist the Board with issues pertaining to educator preparation programs and with any additional matters as directed by the Board.<sup>2</sup>

The Subcommittee consists of:

(1) The three employees of 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 its chairperson.

(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.

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

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

### **Cybersecurity safe harbor**

The act qualifies state institutions of higher education and private nonprofit and for-profit colleges and universities for the affirmative defense (safe harbor) from a tort

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<sup>2</sup> R.C. 3319.613.

action alleging failure to prevent a data breach.<sup>3</sup> To be eligible to use the affirmative defense, a covered entity (now including a college or university) must create, maintain, and comply with a written cybersecurity program that contains specified safeguards for the protection of personal information, restricted information, or both.<sup>4</sup>

Under prior law, the affirmative defense was available only to 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.

### **Parental notification regarding unexcused absence**

The act requires public schools (school districts, brick-and-mortar community schools, and STEM schools) to notify parents when their children do not show up for school. It stipulates that, within 120 minutes after the start of each school day, a school must make at least one attempt to contact the parent, guardian, or caretaker of any student who is absent without legitimate excuse, using one of the following methods:

- (1) An actual or automated telephone call;
- (2) A notification sent through the school's automated student information system;
- (3) A text message;
- (4) An email;
- (5) An actual visit to the student's residence; or
- (6) Any other method adopted by resolution of the district or school's governing board or authority.<sup>5</sup>

If a school uses an automated calling system, it must include verification that each call is actually placed, and either the call was answered by the intended recipient or the system leaves a voicemail containing notice of the student's absence.

The act specially does not apply to students participating in off-campus activities, including the College Credit Plus program. It also does not apply to those receiving home-based, online, or Internet- or computer-based instruction.

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<sup>3</sup> R.C. 1354.01.

<sup>4</sup> R.C. 1354.02, not in the act.

<sup>5</sup> R.C. 3321.141. Applies to community schools and STEM schools through references in R.C. 3314.03 and 3326.11.



## Immunity for good faith compliance

The act provides a qualified immunity in a civil action for money damages to a school district or school, the members of the district board or school governing authority, or the district's or school's officers or employees for injury, death, or other loss allegedly arising from good faith compliance with the act's notification procedures.<sup>6</sup>

## Policy regarding notification within a "reasonable time"

The act specifies that the "reasonable time" requirement under continuing law is subject to the act's requirement to make contact within 120 minutes of the start of the school day for an unexcused absence.<sup>7</sup>

Continuing law requires each school district board to adopt a written policy that requires notification of a student's parent, residential parent and legal custodian, guardian, or legal custodian or any other person responsible for the student within a "reasonable time" after the student is absent from school. Under that law, those recipients must provide the district with a current address and a telephone number at which that person can receive notice that the student is absent.

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## 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
Passed Senate (32-0)	12-19-18
House concurred in Senate amendments (85-4)	12-27-18

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<sup>6</sup> R.C. 3314.13, 3321.141(C), and 3326.90.

<sup>7</sup> R.C. 3313.205.

