April 4, 2011

TO: UT Administrators and Faculty Members
FROM: William McMillen
Interim Provost

Subject: Legislation Pertaining to Higher Education in Ohio's Budget Bill

There is considerable language in Ohio's budget bill (Substitute House Bill # 153) that relates to higher education and does not necessarily have anything to do with finances.

Attached are pages from the bill that deal with the following:

- Faculty Workload
- Charter Universities
- Choose Ohio First Scholarships
- Three-Year Degree
- Interactive Distance Learning
- Remediation and Uniform STEM Standards

I would remind everyone that these items are in the budget bill, which means that they probably will be approved. I doubt that they will be amended much less removed unless Chancellor Petro has a problem with one or any of them. That is probably unlikely.
as set forth in division (D) of this section or as set forth in rules established under division (D) of this section.

Sec. 3345.45. On or before January 1, 1994, (A) The chancellor of the Ohio board of regents jointly with all state universities, as defined in section 3345.011 of the Revised Code, shall develop standards for instructional workloads for full-time and part-time faculty in keeping with the universities' missions and with special emphasis on the undergraduate learning experience. The standards shall contain clear guidelines for institutions to determine a range of acceptable undergraduate teaching by faculty.

(B) On or before June 30, 1994, the board of trustees of each state university shall take formal action to adopt a faculty workload policy consistent with the standards developed under division (A) of this section. Notwithstanding

(C) The board of trustees or managing authority of each state institution of higher education, as defined in section 3345.011 of the Revised Code, shall modify its faculty workload policy adopted under division (B) of this section, or shall adopt a faculty workload policy if it does not have one, to require either of the following:

(1) Each full-time research and instructional faculty member, during each two-year period, beginning with the 2011-2012 academic year, to teach at least one additional course from the number of courses the faculty member taught during the prior two-year period;

(2) Each academic unit to increase aggregate faculty teaching loads by the equivalent number of courses.

(D) Notwithstanding section 4117.08 of the Revised Code, the policies adopted under this section are not appropriate subjects
Sec. 315.81. (A) The chancellor of the Ohio Board of Regents shall develop a plan for designating public institutions of higher education as charter universities. In developing the plan, the chancellor shall:

1. Study the administrative and financial relationships between the state and its public institutions of higher education to determine the extent to which public colleges and universities can manage their operations more effectively when accorded flexibility through selected delegation of authority.

2. Evaluate legal and other issues related to the feasibility of implementing the administrative and financial relationships between the chancellor, the president of the university, and other state agencies.

3. Consult with the presidents of the institutions of higher education, the office of the budget and management, and the departments of the office of higher education, and request other assistance as requested by the chancellor in conducting the study and developing the plan.

(B) The board of trustees, the advisory board, and the chancellor shall specify in the plan:

1. The duties of the chancellor in conducting the study and developing the plan.

2. The time limit for developing the plan.

3. The method for forwarding recommendations and findings to the board of trustees.
(b) Is eligible to enroll in kindergarten for the 2011-2012
school year and was not enrolled in kindergarten in a nonpublic
school in the 2010-2011 school year.

(E) As used in this section, "enrolled" has the same meaning
as in division (E) of section 3317.03 of the Revised Code.

Section 733.20. The Chancellor of the Ohio Board of Regents
by December 1, 2012, shall report to the Governor and the General
Assembly, in accordance with section 101.68 of the Revised Code,
on the efforts of state institutions of higher education to
increase teaching workloads for full-time faculty, as prescribed
by division (C) of section 3345.45 of the Revised Code. The report
shall include an appendix of courses taught by faculty during
fiscal years 2010, 2011, and 2012, and courses planned for fiscal
year 2013.

Section 737.10. (A) If an agricultural labor camp is located
within the jurisdiction of a board of health, the board of health
shall adopt the rules required by section 3733.42 of the Revised
Code as enacted by this act not later than twelve months after the
effective date of the enactment of that section by this act. After
adopting the rules, the board of health immediately shall notify
the Director of Health.

(B)(1) The rules governing agricultural labor camps adopted
by the Public Health Council under former section 3733.42 of the
Revised Code as repealed by this act shall remain in effect in a
health district until the board of health of that district adopts
rules under section 3733.42 of the Revised Code as enacted by this
act.

(2) On the effective date of the rules adopted by a board of
health as required by section 3733.42 of the Revised Code as
enacted by this act, the Public Health Council rules adopted under
for collective bargaining. Notwithstanding division (A) of section 4117.10 of the Revised Code, any policy adopted under this section by a board of trustees or managing authority prevails over any conflicting provisions of any collective bargaining agreement between an employees organization and that board of trustees or managing authority.

Sec. 3345.81. (A) The chancellor of the Ohio board of regents shall develop a plan for designating public institutions of higher education as charter universities. In developing the plan, the chancellor shall:

(1) Study the administrative and financial relationships between the state and its public institutions of higher education to determine the extent to which public colleges and universities can manage their operations more effectively when accorded flexibility through selected delegation of authority;

(2) Examine legal and other issues related to the feasibility and practicability of restructuring the administrative and financial relationships between the state and its public institutions of higher education;

(3) Consult with the presidents of the institutions of higher education of the university system of Ohio.

(B) The office of budget and management, the department of administrative services, and each state institution of higher education shall provide the chancellor, upon the chancellor's request, with research assistance, fiscal and policy analysis, and other services in conducting the study and developing the plan under this section. Each state agency shall provide the chancellor with any other assistance requested by the chancellor in conducting the study and developing the plan.

(C) The chancellor shall specify in the plan:
(1) The manner in which a state institution of higher education may become eligible for restructured financial and operational authority, and performance measures and criteria to determine eligibility. The performance measures and criteria shall address the institution's ability to manage successfully its administrative and financial operations without jeopardizing the financial integrity and stability of the institution.

(2) Specific areas of financial and operational authority that are subject to increased flexibility.

(3) The nature and term of the management agreement required between the state and an institution.

(4) The board of trustees and administration of a state institution of higher education that meets the eligibility criteria may enter into negotiations with the governor to develop a management agreement with the state.

(5) Not later than August 15, 2011, the chancellor shall submit to the general assembly and the governor a report of findings and recommendations for use in developing policy, statutory, and administrative rule changes necessary to implement the plan. The general assembly intends that the general assembly, governor, and chancellor will take actions necessary for implementation of the plan for charter universities to commence July 1, 2012.

Sec. 3353.04. (A) The eTech Ohio commission may perform any act necessary to carry out the functions of this chapter, including any of the following:

1. Make grants to institutions and other organizations as prescribed by the general assembly for the provision of technical assistance, professional development, and other support services to enable school districts, community schools established under
Sec. 3333.66. (A) (1) Except as provided in division (A) (2) of this section, in each academic year, no student who receives a choose Ohio first scholarship shall receive less than one thousand five hundred dollars or more than one-half of the highest in-state undergraduate instructional and general fees charged by all state universities. For this purpose, if Miami university is implementing the pilot tuition restructuring plan originally recognized in Am. Sub. H.B. 95 of the 125th general assembly, that university's instructional and general fees shall be considered to be the average full-time in-state undergraduate instructional and general fee amount after taking into account the Ohio resident and Ohio leader scholarships and any other credit provided to all Ohio residents.

(2) The chancellor of the Ohio board of regents may authorize a state university or college or a nonpublic Ohio institution of higher education to award a choose Ohio first scholarship in an amount greater than one-half of the highest in-state undergraduate instructional and general fees charged by all state universities to either of the following:

(a) Any undergraduate student who qualifies for a scholarship and is enrolled in a program leading to a teaching profession in science, technology, engineering, mathematics, or medicine;

(b) Any graduate student who qualifies for a scholarship, if any initiatives are selected for award under division (B) of this section.

(B) The chancellor shall encourage state universities and colleges, alone or in collaboration with other state institutions of higher education, nonpublic Ohio universities and colleges, or other public or private Ohio entities, to submit proposals under the choose Ohio first scholarship program for initiatives that recruit either of the following:
(1) Ohio residents who enrolled in colleges and universities in other states or other countries to return to Ohio and enroll in state universities or colleges as graduate students in the fields of science, technology, engineering, mathematics, and medicine, or in the fields of science, technology, engineering, mathematics, or medical education. If such proposals are submitted and meet the chancellor's competitive criteria for awards, the chancellor, subject to approval by the controlling board, shall give at least one of the proposals preference for an award.

(2) Graduates, or undergraduates who will graduate in time to participate in the program described in this division by the subsequent school year, from an Ohio college or university who received, or will receive, a degree in science, technology, engineering, mathematics, or medicine to participate in a graduate-level teacher education masters program in one of those fields that requires the student to establish a domicile in the state and to commit to teach for a minimum of three years in a hard-to-staff school district in the state upon completion of the master's degree program. The chancellor may require a college or university to give priority to qualified candidates who graduated from a high school in this state.

"Hard-to-staff" shall be as defined by the department of education.

(C) The general assembly intends that money appropriated for the choose Ohio first scholarship program in each fiscal year be used for scholarships in the following academic year.

Sec. 3333.81. As used in sections 3333.81 to 3333.88 of the Revised Code:

(A) "Clearinghouse" means the clearinghouse established under section 3333.82 of the Revised Code.
programs shall encourage students to perform services that will not supplant the hiring of, result in the displacement of, or impair any existing employment contracts of any particular employee of any private or governmental entity for which services are performed.

(2) The chancellor of the Ohio board of regents shall encourage all institutions of higher education in the development of community service programs. With the assistance of the Ohio community commission on service council and volunteerism created in section 121.40 of the Revised Code, the chancellor shall make available information about higher education community service programs to institutions of higher education and to statewide organizations involved with or promoting volunteerism, including information about model community service programs, teacher training courses, and community service curricula and teaching materials for possible use by institutions of higher education in their programs. The chancellor shall encourage institutions of higher education to jointly coordinate higher education community service programs through consortia of institutions or other appropriate means of coordination.

(C) The board of trustees of any nonprofit institution with a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code or the governing authority of a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code may notify the chancellor that it is making itself subject to divisions (A) and (B) of this section. Upon receipt of such a notice, these divisions shall apply to that institution.

Sec. 3333.43. (A) The chancellor of the Ohio board of regents shall require all state institutions of higher education that offer baccalaureate degrees, as a condition of reauthorization for
certification of each baccalaureate program offered by the institution, to submit a statement describing how each major for which the school offers a baccalaureate degree may be completed within three academic years consisting of the equivalent of two semesters each. The chronology of the statement shall begin with the fall semester of a student’s first year of the baccalaureate program.

(B) The statement required under this section may include, but not be limited to, any of the following methods to contribute to earning a baccalaureate degree in three years:

(1) Advanced placement credit;

(2) International baccalaureate program credit;

(3) A waiver of degree and credit-hour requirements by completion of courses that are widely available at community colleges in the state or through online programs offered by state institutions of higher education or private nonprofit institutions of higher education holding certificates of authorization under Chapter 1713. of the Revised Code, and through courses taken by the student through the post-secondary enrollment options program under Chapter 3365. of the Revised Code;

(4) Completion of coursework during the summer session immediately preceding the three-year period, provided that the institution offering the summer courses makes them available to at least ninety-five per cent of students who apply to enroll in such courses;

(5) A waiver of foreign-language degree requirements based on a proficiency examination specified by the institution.

If a method requires a particular score, grade, or passing exam level to earn credit, the statement shall specify such score, grade, or level.
(C) The statement required under this section shall not require students to take more than a standard course-load per semester. As used in this section, "standard course-load" means a typical course-load or amount of credits taken by an average student per semester as defined by the chancellor.

(D)(1) Not later than October 15, 2012, each state institution of higher education shall provide statements required under this section for ten per cent of all baccalaureate degree programs offered by the institution. Each institution shall determine for which programs to issue statements under this section based on the programs with the greatest number of students enrolled from July 1, 2007, to June 30, 2011.

(2) Not later than June 30, 2014, each state institution of higher education shall provide statements required under this section for sixty per cent of all baccalaureate degree programs offered by the institution. Each institution shall determine for which programs to issue statements under this section based on the programs with the greatest number of students enrolled from July 1, 2009, to June 30, 2013.

(E) Each state institution of higher education required to submit statements under this section shall post its three-year option on its web site and also provide that information to the department of education. The department shall distribute that information to the superintendent, high school principal, and guidance counselor, or equivalents, of each school district, community school established under Chapter 3314, of the Revised Code, and STEM school established under Chapter 3326, of the Revised Code.

(F) Nothing in this section requires an institution to include anything in its statement that would violate the requirements of any independent association accrediting baccalaureate degree programs.
Sec. 3333.82. (A) The chancellor of the Ohio board of regents shall establish a clearinghouse of interactive distance learning courses and other distance learning courses delivered via a computer-based method offered by school districts, community schools, STEM schools, state institutions of higher education, private colleges and universities, and other nonprofit and for-profit course providers for sharing with other school districts, community schools, STEM schools, state institutions of higher education, private colleges and universities, and individuals for the fee set pursuant to section 3333.84 of the Revised Code. The chancellor shall not be responsible for the content of courses offered through the clearinghouse; however, all such courses shall be delivered only in accordance with technical specifications approved by the chancellor and on a common statewide platform administered by the chancellor.

The clearinghouse’s distance learning program for students in grades kindergarten to twelve shall be based on the following principles:

(1) All Ohio students shall have access to high quality distance learning courses at any point in their educational careers.

(2) All students shall be able to customize their education using distance learning courses offered through the clearinghouse and no student shall be denied access to any course in the clearinghouse in which the student is eligible to enroll.

(3) Students may take distance learning courses for all or any portion of their curriculum requirements and may utilize a combination of distance learning courses and courses taught in a traditional classroom setting.
(4) Students may earn an unlimited number of academic credits through distance learning courses.

(5) Students may take distance learning courses at any time of the calendar year.

(6) Student advancement to higher coursework shall be based on a demonstration of subject area competency instead of completion of any particular number of hours of instruction.

(B) To offer a course through the clearinghouse, a course provider shall apply to the chancellor in a form and manner prescribed by the chancellor. The application for each course shall describe the course of study in as much detail as required by the chancellor, whether an instructor is provided, the qualification and credentials of the instructor, the number of hours of instruction, and any other information required by the chancellor. The chancellor may require course providers to include in their applications information recommended by the state board of education under former section 3353.30 of the Revised Code.

(C) The chancellor shall review the technical specifications of each application submitted under division (B) of this section. In reviewing applications, the chancellor may consult with the department of education; however, the responsibility to either approve or not approve a course for the clearinghouse belongs to the chancellor. The chancellor may request additional information from a course provider that submits an application under division (B) of this section, if the chancellor determines that such information is necessary. The chancellor may negotiate changes in the proposal to offer a course, if the chancellor determines that changes are necessary in order to approve the course.

(D) The chancellor shall catalog each course approved for the clearinghouse, through a print or electronic medium, displaying the following:
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(1) Information necessary for a student and the student’s parent, guardian, or custodian and the student’s school district, community school, STEM school, college, or university to decide whether to enroll in or subscribe to the course;

(2) Instructions for enrolling in that course, including deadlines for enrollment.

(E) Any expenses related to the installation of a course into the common statewide platform shall be borne by the course provider.

(F) The chancellor may contract with an entity to perform any or all of the chancellor’s duties under sections 3333.81 to 3333.88 of the Revised Code. The eTech Ohio commission, in consultation with the chancellor and the state board, shall distribute information to students and parents describing the clearinghouse. The information shall be provided in an easily understandable format.

Soc. 3333.83. (A) A student who is enrolled in a school operated by a school district or in a community school or STEM school may enroll in a course through the clearinghouse only if both of the following conditions are satisfied:

(1) The student’s enrollment in the course is approved by the student's school district, community school, or STEM school.

(2) The student’s school district, community school, or STEM school agrees to accept for credit the grade assigned by the course provider, if that provider is another school district, community school, or STEM school. Each school district, community school, and STEM school shall encourage students to take advantage of the distance learning opportunities offered through the clearinghouse and shall assist any student electing to participate in the clearinghouse with the selection and scheduling of courses.
requires an investment agent to pay to the authority, shall be credited to either the variable operating fund or the index operating fund at the discretion of the authority. These funds are hereby created in the state treasury. Expenses incurred in the administration of the variable college savings program, as well as other expenses, disbursements, or payments the authority considers appropriate for the benefit of any college savings programs administered by the authority, the state of Ohio and its citizens, shall be paid from the variable operating fund or the index operating fund at the discretion of the authority.

(H) No records of the authority indicating the identity of purchasers, contributors, and beneficiaries under the program or amounts contributed to, earned by, or distributed from program accounts are public records within the meaning of section 149.43 of the Revised Code.

Sec. 3345.061. (A) Ohio's two-year institutions of higher education are respected points of entry for students embarking on post-secondary careers and courses completed at those institutions are transferable to state universities in accordance with articulation and transfer agreements developed under sections 3333.16, 3333.161, and 3333.162 of the Revised Code.

(B) Beginning with undergraduate students who commence undergraduate studies in the 2014-2015 academic year, no state university listed in section 3345.011 of the Revised Code, except Central state university, Shawnee state university, and Youngstown state university, shall receive any state operating subsidies for any academic remedial or developmental courses for undergraduate students, including courses prescribed in the Ohio core curriculum for high school graduation under division (C) of section 3313.603 of the Revised Code, offered at its main campus, except as provided in divisions (B)(1) to (4) of this section.
(1) In the 2014-2015 and 2015-2016 academic years, a state university may receive state operating subsidies for academic remedial or developmental courses for not more than three per cent of the total undergraduate credit hours provided by the university at its main campus.

(2) In the 2016-2017 academic year, a state university may receive state operating subsidies for academic remedial or developmental courses for not more than fifteen per cent of the first-year students who have graduated from high school within the previous twelve months and who are enrolled in the university at its main campus, as calculated on a full-time-equivalent basis.

(3) In the 2017-2018 academic year, a state university may receive state operating subsidies for academic remedial or developmental courses for not more than ten per cent of the first-year students who have graduated from high school within the previous twelve months and who are enrolled in the university at its main campus, as calculated on a full-time-equivalent basis.

(4) In the 2018-2019 academic year, a state university may receive state operating subsidies for academic remedial or developmental courses for not more than five per cent of the first-year students who have graduated from high school within the previous twelve months and who are enrolled in the university at its main campus, as calculated on a full-time-equivalent basis.

Each state university may continue to offer academic remedial and developmental courses at its main campus beyond the extent for which state operating subsidies may be paid under this division and may continue to offer such courses beyond the 2018-2019 academic year. However, the university shall not receive any state operating subsidies for such courses above the maximum amounts permitted in this division.

(C) Except as otherwise provided in division (B) of this
section, beginning with students who commence undergraduate
studies in the 2014-2015 academic year, state operating subsidies
for academic remedial or developmental courses offered by state
institutions of higher education may be paid only to Central state
university, Shawnee state university, Youngstown state university,
any university branch, any community college, any state community
college, or any technical college.

(D) Each state university shall grant credit for academic
remedial or developmental courses successfully completed at an
institution described in division (C) of this section pursuant to
any applicable articulation and transfer agreements the university
has entered into in accordance with policies and procedures
adopted under section 3333.16, 3333.161, or 3333.162 of the
Revised Code.

(E) The chancellor of the Ohio board of regents shall do all
of the following:

(1) Withhold state operating subsidies for academic remedial
or developmental courses provided by a state university as
required in order to conform to divisions (B) and (C) of this
section;

(2) Adopt uniform statewide standards for academic remedial
and developmental courses offered by all state institutions of
higher education, as defined in section 3345.011 of the Revised
Code;

(3) Encourage and assist in the design and establishment of
academic remedial and developmental courses by institutions of
higher education;

(4) Define "academic year" for purposes of this section and
section 3345.06 of the Revised Code;

(5) Encourage and assist in the development of articulation
and transfer agreements between state universities and other
institutions of higher education in accordance with policies and
procedures adopted under sections 3333.16, 3333.161, and 3333.162
of the Revised Code.

(F) Not later than December 31, 2012, the presidents, or
equivalent position, of all state institutions of higher
education, or their designees, jointly shall establish uniform
statewide standards in mathematics, science, reading, and writing
each student enrolled in a state institution of higher education
must meet to be considered in remediation-free status. The
presidents also shall establish assessments, if they deem
necessary, to determine if a student meets the standards adopted
under this division. Each institution is responsible for assessing
the needs of its enrolled students in the manner adopted by the
presidents. The board of trustees or managing authority of each
state institution of higher education shall adopt the
remediation-free status standard, and any related assessments,
into the institution's policies.

The chancellor shall assist in coordinating the work of the
presidents under this division.

(G) Each year, not later than a date established by the
chancellor, each state institution of higher education shall
report to the governor, the general assembly, the chancellor, and
the superintendent of public instruction all of the following for
the prior academic year:

(1) The institution's aggregate costs for providing academic
remedial or developmental courses;

(2) The amount of those costs disaggregated according to the
city, local, or exempted village school districts from which the
students taking those courses received their high school diplomas;

(3) Any other information with respect to academic remedial
and developmental courses that the chancellor considers

- Presidents' Responsibility
- Remediation-Free
- Remediation Report on Cost of Remediation From Unl.
appropriate.

(H) Not later than December 31, 2011, and the thirty-first day of each December thereafter, the chancellor and the superintendent of public instruction shall issue a report recommending policies and strategies for reducing the need for academic remediation and developmental courses at state institutions of higher education.

(I) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

Sec. 3345.14. (A) As used in this section, "state college or university" means any state university or college defined in division (A)(1) of section 3345.12 of the Revised Code, and any other institution of higher education defined in division (A)(2) of that section.

(B) All rights to and interests in discoveries, inventions, or patents which result from research or investigation conducted in any experiment station, bureau, laboratory, research facility, or other facility of any state college or university, or by employees of any state college or university acting within the scope of their employment or with funding, equipment, or infrastructure provided by or through any state college or university, shall be the sole property of that college or university. No person, firm, association, corporation, or governmental agency which uses the facilities of such college or university in connection with such research or investigation and no faculty member, employee, or student of such college or university participating in or making such discoveries or inventions, shall have any rights to or interests in such discoveries or inventions, including income therefrom, except as may, by determination of the board of trustees of such college or university.