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MEDIA ADVISORY – ***Feb. 28, 2007***

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LEGISLATION PROPOSES SYSTEMIC REFORMS IN HIGHER EDUCATION

COLUMBUS, Ohio – Responding to legislative challenges to offer bold ideas to reform Ohio's system of higher education, legislation was introduced today in the House that would authorize the Ohio Board of Regents to address the state's need to increase affordability, access and statewide efficiencies in higher education.

Under House Bill 85, the Board would be authorized to set tuition ranges for public colleges and universities, withdraw duplicative and/or low-quality degree programs and create a community college system. In addition, the bill provides for a stronger role for the Governor in the appointment of the Chancellor by requiring the Governor's approval of a Chancellor selection by the Board of Regents. The bill also provides the Governor a more timely opportunity to name new Regents, who serve nine-year terms, by changing the appointment schedule from three Regents every three years to one per year.

"House Bill 85 offers a blueprint for a strong partnership at the state level to address the key issues of the day in higher education reform: affordability, access, efficiency, accountability and student success," said Donna M. Alvarado, Granville businesswoman and chair of the Board. "It also provides targeted authorities which, if wielded by an impartial statewide board, will motivate all parties to come to the table with innovative and creative ways to maximize the state's investment. We welcome thorough and open deliberations on these proposals."

Board members and Regents staff members will continue to work with the bill's sponsor, State Rep. Shawn Webster, as this legislation moves through the General Assembly.

"Being the primary sponsor of HB 2 and HB 85, it may appear that I am introducing bills that are diametrically opposed," said Rep. Webster, a Republican from Hamilton. "In actuality, I am trying to stimulate a dialogue in the legislative process to devise a system that focuses higher education on the needs of Ohio, not just the needs of the individual institutions."

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The Ohio Board of Regents is a geographically representative coordinating body for higher education in the state. Created in 1963 by the General Assembly, the 11-member public board has a direct, non-governing relationship with all of Ohio's colleges and universities.

EDITOR'S NOTE: Please see attached text of legislation.

As Introduced

127th General Assembly
Regular Session
2007-2008

H. B. No. 85

Representative Webster

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A B I L L

To amend sections 3333.01, 3333.03, 3333.04, 3333.05, 3333.07, 3333.10, and 3333.99 and to enact sections 3333.45, 3333.46, and 3345.02 of the Revised Code to expand the authority of the Ohio Board of Regents to regulate the programs and tuition of state institutions of higher education, to require the Governor's approval of the Board of Regent's selection for Chancellor, to restructure the terms of members of the Board of Regents, and to establish the Ohio Higher Education Purchasing Commission.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3333.01, 3333.03, 3333.04, 3333.05, 3333.07, 3333.10, and 3333.99 be amended and sections 3333.45, 3333.46, and 3345.02 of the Revised Code be enacted to read as follows:

Sec. 3333.01. (A) There is hereby created the Ohio board of regents consisting of nine members to be appointed by the governor with the advice and consent of the senate. The members shall be residents of this state who possess an interest in and knowledge of higher education. No member shall be a trustee, officer, or employee of any Ohio public or private college or university while

serving as a member of the board. In addition to the members appointed by the governor, the ~~chairman~~ chairperson of the education committee of the senate and the ~~chairman~~ chairperson of the education committee of the house of representatives shall, after January 1, 1967, be ex officio members of the board without a vote.

~~Terms~~ (B) Prior to September 20, 2007, terms of office shall be for nine years, commencing on the twenty-first day of September and ending on the twentieth day of September. ~~Each~~

(C) Beginning on September 20, 2007, the terms of office for the members of the board of regents shall be as follows:

(1) Notwithstanding division (B) of this section, the terms of office of the three members whose terms under division (B) of this section otherwise are scheduled to expire on September 20, 2008, shall expire, and their successors shall be appointed, as follows:

(a) The term of one of those members shall expire on September 20, 2007. The governor in office on that date shall determine which member's term shall expire on that date. The governor, with the advice and consent of the senate, shall appoint a successor for a term beginning on September 21, 2007, and ending on February 29, 2016.

(b) The term of another of those members shall expire on February 29, 2008. The governor in office on that date shall determine which member's term shall expire on that date. The governor, with the advice and consent of the senate, shall appoint a successor for a term beginning on March 1, 2008, and ending on February 28, 2017.

(c) The term of the third of those members shall expire on February 28, 2009. The governor, with the advice and consent of the senate, shall appoint a successor for a term beginning on

March 1, 2009, and ending on February 28, 2018.

(2) Notwithstanding division (B) of this section, the terms of office of the three members whose terms under division (B) of this section otherwise are scheduled to expire on September 20, 2011, shall expire, and their successors shall be appointed, as follows:

(a) The term of one of those members shall expire on February 28, 2010. The governor in office on that date shall determine which member's term shall expire on that date. The governor, with the advice and consent of the senate, shall appoint a successor for a term beginning on March 1, 2010, and ending on February 28, 2019.

(b) The term of another of those members shall expire on February 28, 2011. The governor in office on that date shall determine which member's term shall expire on that date. The governor, with the advice and consent of the senate, shall appoint a successor for a term beginning on March 1, 2011, and ending on February 29, 2020.

(c) The term of the third of those members shall expire on February 29, 2012. The governor, with the advice and consent of the senate, shall appoint a successor for a term beginning on March 1, 2012, and ending on February 28, 2021.

(3) Notwithstanding division (B) of this section, the terms of office of the three members whose terms under division (B) of this section otherwise are scheduled to expire on September 20, 2014, shall expire, and their successors shall be appointed, as follows:

(a) The term of one of those members shall expire on February 28, 2013. The governor in office on that date shall determine which member's term shall expire on that date. The governor, with the advice and consent of the senate, shall appoint a successor

for a term beginning on March 1, 2013, and ending on February 28, 2022.

(b) The term of another of those members shall expire on February 28, 2014. The governor in office on that date shall determine which member's term shall expire on that date. The governor, with the advice and consent of the senate, shall appoint a successor for a term beginning on March 1, 2014, and ending on February 28, 2023.

(c) The term of the third of those members shall expire on February 28, 2015. The governor, with the advice and consent of the senate, shall appoint a successor for a term beginning on March 1, 2015, and ending on February 29, 2024.

Thereafter, the terms of office of all subsequent members of the board of regents shall be for nine years beginning on the first day of March and ending on the last day of February.

(D) Except as provided in division (C) of this section, each member shall hold office from the date of ~~his~~ appointment until the end of the term for which ~~he~~ the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which ~~his~~ the member's predecessor was appointed shall hold office for the remainder of ~~such~~ that term. Any member shall continue in office subsequent to the expiration date of ~~his~~ the member's term until ~~his~~ a successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

No person who has served a full nine-year term shall be eligible for reappointment.

(E) Board members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the conduct of board business.

Sec. 3333.03. (A) The Ohio board of regents shall appoint a chancellor, subject to approval of the governor, to serve at ~~its~~ the pleasure ~~and~~ of the board. The board of regents shall prescribe the chancellor's duties~~. The board~~ and shall fix the compensation for the chancellor.

(B) The chancellor shall be a member of the governor's cabinet.

(C) The chancellor is the administrative officer of the board, and is responsible for appointing and fixing the compensation of all professional, administrative, and clerical employees and staff members necessary to assist the board and the chancellor in the performance of their duties. All employees and staff shall serve at the chancellor's pleasure. The chancellor shall be a person qualified by training and experience to understand the problems and needs of the state in the field of higher education and to devise programs, plans, and methods of solving the problems and meeting the needs.

~~(C)~~(D) Neither the chancellor nor any staff member or employee of the board shall be a trustee, officer, or employee of any public or private college or university while serving on the board.

Sec. 3333.04. The Ohio board of regents shall:

(A) Make studies of and assess state policy in the field of higher education and formulate a master plan ~~for~~ to improve higher education for the state, considering the needs of the people, the needs of the state, and the role of individual public and private institutions within the state in fulfilling these needs~~;~~. The master plan, which the board of regents shall review and update at least every two years, shall include goals for higher education in the state in at least the following areas:

(1) Seamless access to affordable, high-quality higher education for all Ohioans, including rigorous academic preparation in high school and ease of credit transfer regardless of where or when a student initially enrolls in an institution of higher education;

(2) Student success and degree attainment relative to the needs of the state;

(3) Identification and evaluation of emerging and existing academic programs of distinction and excellence;

(4) Elimination of unnecessary duplication in programs, services, and facilities both statewide and regionally;

(5) Achievement of Ohioans' scientific and technical competence to meet the workforce needs of the twenty-first century economy;

(6) Research and workforce development programs to create economic opportunities.

(B)(1) Report annually to the governor and the general assembly on the findings from its studies ~~and~~, implementation of the master plan for higher education for the state and progress toward the goals included in the plan, and the impact of the master plan on state funding for higher education;

(2) Report at least semiannually to the general assembly and the governor the enrollment numbers at each state-assisted institution of higher education and the impact of those numbers on state funding for each institution.

(C) Approve or disapprove the establishment, dissolution, or consolidation of ~~new~~ branches or academic centers of state colleges and universities;

(D) Approve or disapprove the establishment of community colleges, state community colleges, technical colleges, or any

other state institution of higher education;

(E) ~~Recommend~~ Determine the nature of the programs, undergraduate, graduate, professional, workforce training, state-financed research, and public services ~~which should be~~ offered by the state colleges, universities, and other state-assisted institutions of higher education ~~in order~~. The board shall review the programs and services offered annually. In making its determinations, the board shall consider the following:

(1) How to utilize to the best advantage ~~their~~ the combined facilities, subject-matter expertise, and personnel of the institutions;

(2) Appropriate opportunities for campuses to collaborate in the provision of programs or services and to share faculty, facilities, and administrative support;

(3) Ways to provide a cost-effective system of higher education for the state.

(F) ~~Recommend to~~ After consultation with the state colleges, universities, and other state-assisted institutions of higher education ~~graduate or professional programs, including, but not limited to, doctor of philosophy, doctor of education, and juris doctor programs, that could be eliminated because they constitute unnecessary duplication, as shall be determined using the process developed pursuant to this section, or for other good and sufficient cause. For purposes of determining the amounts of any state instructional subsidies paid to these colleges, universities, and institutions, the board may exclude students enrolled in any program that the board has recommended for elimination pursuant to this division except that the board shall not exclude any such student who enrolled in the program prior to the date on which the board initially commences to exclude students under this division. The board of regents and these~~

~~colleges, universities, and institutions shall jointly develop a process for determining which existing graduate or professional programs~~ and their boards of trustees, eliminate degrees and programs that constitute unnecessary duplication or do not meet the state's current needs. After the board's initial decision to eliminate a degree or program offered by an institution, any payment of state operational support to the institution for that degree or program shall include only those students who were enrolled in the degree or program on the date of the board's decision and shall continue only until a date specified by the board for withdrawal of all state operational support for the degree or program. In specifying a date for withdrawal of all state operational support for the degree or program, the board shall provide a reasonable amount of time, as determined by the board, for students enrolled in the degree or program at the time of the board's initial elimination decision to complete the degree or program.

(G) ~~Recommend to~~ Determine, in consultation with the state colleges, universities, and other state-assisted institutions of higher education and their boards of trustees, programs ~~which should be added~~ to add to ~~their~~ the institutions' present programs~~;~~. The board's determinations shall focus on increasing enrollments, degrees, and programs in the fields of science, technology, engineering, and mathematics.

(H) Conduct studies for the state colleges, universities, and other state-assisted institutions of higher education and their boards of trustees to assist them in making the best and most efficient use of their existing facilities and personnel;

(I) Make recommendations to the governor and general assembly concerning the development of state-financed capital plans for higher education, including the allocation of state capital support for individual institutions and for needed maintenance;

the establishment of new state colleges, universities, and other state-assisted institutions of higher education; and the establishment of new programs at the existing state colleges, universities, and other institutions of higher education;

(J) Review the appropriation requests of the public community colleges and the state colleges and universities and submit to the office of budget and management and to the chairpersons of the finance committees of the house of representatives and of the senate its recommendations in regard to the biennial higher education appropriation for the state, including appropriations for the individual state colleges and universities and public community colleges. For the purpose of determining the amounts of instructional subsidies to be paid to state-assisted colleges and universities, the board shall define "full-time equivalent student" by program per academic year. The definition may take into account the establishment of minimum enrollment levels in technical education programs below which support allowances will not be paid. Except as otherwise provided in this section, the board shall make no change in the definition of "full-time equivalent student" in effect on November 15, 1981, which would increase or decrease the number of subsidy-eligible full-time equivalent students, without first submitting a fiscal impact statement to the president of the senate, the speaker of the house of representatives, the legislative service commission, and the director of budget and management. The board shall work in close cooperation with the director of budget and management in this respect and in all other matters concerning the expenditures of appropriated funds by state colleges, universities, and other institutions of higher education.

(K) Seek the cooperation and advice of the officers and trustees of both public and private colleges, universities, and other institutions of higher education in the state in ~~performing~~

~~its duties and making its~~ establishing statewide plans~~,~~ and goals and conducting studies~~, and recommendations~~;

(L) Appoint advisory committees consisting of persons associated with public or private secondary schools, members of the state board of education, or personnel of the state department of education;

(M) Appoint advisory committees consisting of college and university personnel, or other persons knowledgeable in the field of higher education, or both, in order to obtain their advice and assistance in defining and suggesting solutions for the problems and needs of higher education in this state;

(N) Approve or disapprove all new degrees and new degree programs at all state colleges, universities, and other state-assisted institutions of higher education;

(O) Adopt such rules as are necessary to carry out its duties and responsibilities;

(P) ~~Establish and submit to the governor and the general assembly a clear and measurable set of goals and timetables for their achievement for each program under the supervision of the board that is designed to accomplish any of the following:~~

~~(1) Increased access to higher education;~~

~~(2) Job training;~~

~~(3) Adult literacy;~~

~~(4) Research;~~

~~(5) Excellence in higher education;~~

~~(6) Reduction in the number of graduate programs within the same subject area.~~

~~In July of each odd-numbered year, the board of regents shall submit to the governor and the general assembly a report on~~

~~progress made toward these goals~~ Create a standardized statewide community college system to provide Ohioans with low-cost access to the first two years of college. The system shall enable all Ohioans, regardless of the area of the state in which they reside, to have access to similar postsecondary coursework at comparable instructional rates, as determined by the board. In creating the system, the board shall make use of the facilities of existing technical colleges and university branches and of the services, including distance learning, provided by existing state-assisted institutions of higher education.

(Q) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.12, 3333.122, 3333.21 to 3333.27, and 5910.02 of the Revised Code;

(R) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the administration of such programs in accordance with applicable state or federal law;

(S) Adopt rules for student financial aid programs as required by sections 3333.12, 3333.122, 3333.21 to 3333.27, 3333.28, 3333.29, and 5910.02 of the Revised Code, and perform any other administrative functions assigned to the board by those sections;

(T) Administer contracts under sections 3702.74 and 3702.75 of the Revised Code in accordance with rules adopted by the director of health under section 3702.79 of the Revised Code;

(U) Conduct enrollment audits of state-supported institutions of higher education;

(V) Appoint consortiums of college and university personnel to participate in the development and operation of statewide collaborative efforts, including the Ohio supercomputer center,

the Ohio academic resources network, OhioLink, and the Ohio learning network. For each consortium, the board shall designate a college or university to serve as that consortium's fiscal agent, financial officer, and employer. Any funds appropriated to the board for consortiums shall be distributed to the fiscal agents for the operation of the consortiums. A consortium shall follow the rules of the college or university that serves as its fiscal agent.

(W) Expand programs dedicated to increasing access to postsecondary education with the goal of increasing college access for all counties in the state and improving the availability of affordable postsecondary opportunities for traditional and non-traditional students. The board shall work with the student access and success coordinating council of Ohio to convene representatives of all access programs to increase communication and collaboration.

(X) Administer contracts to execute the duties of the board and the chancellor of the board as prescribed by this chapter;

(Y) Consult with representatives of institutions of higher education, business, and government and with community leaders as necessary to develop plans for carrying out the duties of the board.

Sec. 3333.05. The Ohio board of regents shall approve or disapprove proposed official plans of community college districts, prepared and submitted pursuant to sections 3354.01 to 3354.18, inclusive, of the Revised Code, and issue or decline to issue charters for operation of community colleges, pursuant to section 3354.07 of the Revised Code.

The board shall approve an official plan, and issue a charter, only upon the following findings:

(A) That the official plan and all past and proposed actions of the community college district are in conformity to law;

(B) That the proposed community college will not unreasonably and wastefully duplicate existing educational services available to students and prospective students residing in the community college district;

(C) That there is reasonable prospect of adequate current operating revenue for the proposed community college from its proposed opening date of operation;

(D) That the proposed lands and facilities of the community colleges will be adequate and efficient for the purposes of the proposed community college;

(E) That the proposed curricular programs defined in section 3354.01 of the Revised Code as "arts and sciences" and "technical," or either, are the programs for which there is substantial need in the territory of the district.

The employment and separation of individual personnel in a community college~~, and the establishing or abolishing of individual courses of instruction,~~ shall not be subject to the specific and individual approval or disapproval of the Ohio board of regents, but shall occur in the discretion of the local management of such college within the limitations of law, the official plan, and the charter of such college.

Sec. 3333.07. (A) Colleges, universities, and other institutions of higher education which receive state assistance, but are not supported primarily by the state, shall submit to the Ohio board of regents such accounting of the expenditure of state funds at such time and in such form as the board prescribes.

(B) No state institution of higher education shall establish a new branch or academic center without the approval of the board.

(C) No state institution of higher education shall offer a new degree or establish a new degree program without the approval of the board. No degree approval shall be given for a technical education program unless such program is offered by a state assisted university, a university branch, a technical college, or a community college.

(D) ~~Any state college, university, or other state assisted institution of higher education not complying with a recommendation of the board pursuant to division (F) or (G) of section 3333.04 of the Revised Code shall so notify the board in writing within one hundred twenty days after receipt of the recommendation, stating the reasons why it cannot or should not comply.~~

~~(E)~~ The officers, trustees, and employees of all institutions of higher education which are state supported or state assisted shall cooperate with the board in supplying information regarding their institutions, and advising and assisting the board on matters of higher education in this state in every way possible when so requested by the board.

~~(F)~~(E) Persons associated with the public school systems in this state, personnel of the state department of education, and members of the state board of education shall provide such data about high school students as are requested by the board of regents to aid in the development of state higher education plans.

Sec. 3333.10. (A) As used in this section:

(1) "Qualified institution of higher education" or "institution" means a nonprofit educational institution, holding an effective certificate of authorization issued by the Ohio board of regents under section 1713.02 of the Revised Code, operating in the state an eligible program, and admitting students without discrimination by reason of race, creed, color, or national

origin.

(2) "School of dentistry" means an accredited dental college as defined under section 4715.10 of the Revised Code.

(3) "Eligible program" means a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association, or such a school together with a school of dentistry.

(B) In order to provide better for the public health and the necessary enhancement of instruction in medicine and dentistry in the state, and to encourage the means of such instruction with the least economic cost to the people of the state, the Ohio board of regents may enter into agreements with qualified institutions of higher education providing for the continued operation by the institution of eligible programs, conditioned upon continued payments by the state to such institution for the purposes of such eligible programs of amounts determined in the manner provided for the state subsidy from time to time afforded to state universities on the basis of comparable programs. Before entering into such agreement, the Ohio board of regents shall determine that the institution is a qualified institution of higher education as defined in division (A) of this section, and that the operation of such eligible programs as provided for in such agreement and such payments will contribute to the objectives stated in this section and to the objectives of the master plan of higher education formulated under section 3333.04 of the Revised Code.

(C) Agreements under this section shall contain provisions to the effect that:

(1) The institution shall submit to the Ohio board of regents accountings for the expenditure of state payments in the manner and at the times as are requested for state-assisted institutions of higher education pursuant to division (A) of section 3333.07 of

the Revised Code.

(2) ~~The institution shall notify the Ohio board of regents in the manner provided for state-assisted institutions under division (D) of section 3333.07 of the Revised Code with regard to program recommendations by the Ohio board of regents in the nature of those provided for in divisions (F) and (G) of section 3333.04 of the Revised Code.~~

~~(3)~~ The agreement shall terminate if the institution ceases to be a qualified institution of higher education as determined by the Ohio board of regents in accordance with Chapter 119. of the Revised Code.

(D) Agreements under this section may make further provision for any one or more of the following as the parties determine:

(1) The duration of any such agreement, or additional provision for terminating the agreement;

(2) Additional conditions for the effectiveness or continued effectiveness of such agreement;

(3) Procedures for the amendment or supplementation of the agreement, including designation of the parties to approve or execute such amendments or supplements;

(4) Such other provisions as may be deemed necessary or appropriate.

(E) In case any provision or part of this section or any provision, agreement, covenant, stipulation, obligation, act or action, or part thereof, made, assumed, or taken under or pursuant to this section, or any application thereof, is for any reason held to be illegal or invalid, such illegality or invalidity shall not affect the remainder thereof or any other provision of this section or any other provision, agreement, covenant, stipulation, obligation, action, or part thereof, made, assumed, or taken under

or pursuant to this section, which shall be construed and enforced as if such illegal or invalid portion were not contained therein, nor shall such illegality or invalidity of any application thereof affect any legal and valid application thereof, and each such provision, agreement, covenant, stipulation, obligation, act, or action, or part thereof, shall be deemed to be effective, operative, made, done, or entered into in the manner and to the full extent permitted by law to accomplish most nearly the intention thereof.

(F) No agreement shall be entered into under this section with any institution which is not in compliance with section 3333.11 of the Revised Code.

Sec. 3333.45. (A) Not later than the fifteenth day of July each year, the Ohio board of regents shall do both of the following:

(1) Establish a minimum and maximum amount of combined in-state undergraduate instructional and general fees to be charged by community colleges, state community colleges, technical colleges, and university branches in the subsequent academic year. The board of regents shall establish separate amounts for each type of institution.

(2) Establish a minimum and maximum amount of combined in-state undergraduate instructional and general fees to be charged by each of the state universities listed in section 3345.011 of the Revised Code and the northeastern Ohio universities college of medicine in the subsequent academic year. The board of regents shall establish separate amounts for each individual institution.

(B) The board of trustees or managing authority of each state institution of higher education shall determine an amount within the range established for the institution under this section that

the institution will charge for combined in-state undergraduate instructional and general fees in the applicable academic year. With the approval of the board of regents, the board of trustees or managing authority may set different amounts of combined in-state undergraduate instructional and general fees for different programs, provided that each amount is within the range established for the institution. No state institution of higher education shall charge combined in-state undergraduate instructional and general fees that are outside of the range established for the institution under this section.

(C) In establishing a range for combined in-state undergraduate instructional and general fees charged by a state institution of higher education under this section, the board of regents shall consider the total amount of state operational support per full-time-equivalent student the institution is estimated to receive in the academic year for which the range is being established and any other financial factors affecting the institution.

(D) The board of regents shall define "academic year" for purposes of this section.

Sec. 3333.46. As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(A) The Ohio higher education purchasing commission is hereby established. The commission shall include the following members:

(1) Representatives of state institutions of higher education, appointed by the Ohio board of regents;

(2) Employees of the board of regents, appointed by the board;

(3) Representatives of the department of administrative

services, appointed by the director of administrative services.

(B) The commission shall identify areas in which joint purchasing on a statewide or regional basis may result in cost savings for state institutions of higher education. The commission shall consider the feasibility of joint purchasing of supplies, health insurance, and any services other than instructional services.

(C) If the commission determines that supplies or services should be jointly purchased, the commission shall direct the department of administrative services or a state institution of higher education to enter into a joint purchasing contract for the supplies or services. The commission shall advise the department or institution in the negotiation of the contract and shall designate state institutions of higher education to be covered by the contract. Except as provided in division (D) of this section, each state institution of higher education designated by the commission shall comply with all terms of the contract.

(D) Prior to the negotiation of any joint purchasing contract under this section, the commission shall notify each state institution of higher education that it designates to be covered by the contract. The board of trustees or managing authority of any state institution of higher education designated by the commission may seek a waiver from the contract by appealing the designation to the commission. The commission shall grant a waiver to the institution only if the commission determines that the board of trustees or managing authority has provided sufficient evidence that the institution is able to procure similar supplies or services on its own at a lower cost.

(E) The commission shall provide model contracts for state institutions of higher education to use when negotiating joint purchasing contracts under this section. The commission may use contracts negotiated by the department of administrative services,

the inter-university council purchasing group of Ohio, or the midwestern higher education commission for this purpose.

Sec. 3333.99. Except as expressly provided in ~~Chapter 3333.~~ this chapter and section 3345.02 of the Revised Code, nothing in ~~such Chapter~~ this chapter shall be construed to deprive the governing boards of the state colleges and universities of the duties and powers conferred upon them by law in the government of the institutions under their control.

The Ohio board of regents shall not have the authority to eliminate a program that a governing board is specifically required to establish and maintain under any other section of the Revised Code.

Sec. 3345.02. (A) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) The board of trustees or managing authority of each state institution of higher education shall comply with all of the following:

(1) A decision of the Ohio board of regents, under division (F) of section 3333.04 of the Revised Code, to eliminate a particular degree or program offered by the institution. After the date of the board of regents' initial decision to eliminate the degree or program, the institution shall cease enrolling new students in the degree or program. Beginning on the date specified by the board of regents for withdrawal of all state operational support for the degree or program, the institution shall cease to offer the degree or program. In no case shall the institution use other funds to support continuation of the eliminated degree or program.

(2) A determination of the board of regents, under division

(G) of section 3333.04 of the Revised Code, that the institution add a particular program to its present offerings;

(3) Any directive of the board of regents relative to the creation of a standardized statewide community college system under division (P) of section 3333.04 of the Revised Code, provided compliance with the directive does not violate any other provision of the Revised Code;

(4) Any directive of the Ohio higher education purchasing commission issued under section 3333.46 of the Revised Code, unless the commission grants the institution a waiver pursuant to that section.

(C) The board of regents may withhold state operational support from any state institution of higher education that fails to comply with this section.

Section 2. That existing sections 3333.01, 3333.03, 3333.04, 3333.05, 3333.07, 3333.10, and 3333.99 of the Revised Code are hereby repealed.