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Bill Analysis
Legislative Service Commission

Sub. S.B. 151*
123rd General Assembly
(As Reported by S. Education)

Sens. Mumper, Kearns, DiDonato, Oelslager, Furney, Brady, McLin

BILL SUMMARY

- Transfers authority for issuing licenses, certificates, and permits to teachers, aides, administrators, and other education professionals from the State Board of Education to a new State Educator Standards Board.
- Apportions the new Board into two advisory committees: one responsible for advising the Board as a whole concerning licensing classroom teachers (and other professionals who primarily deal directly with students) and the other responsible for advising the Board as a whole concerning licensing administrators.
- Eliminates the requirement that proposals to adopt, amend, or rescind rules pertaining to educator licenses be approved by concurrent resolution of the General Assembly before they take effect.
- Requires the new Board to adopt a professional code of ethics for educators.

CONTENT AND OPERATION

Assumption of educator licensing duties by new State Educator Standards Board

The bill transfers from the State Board of Education to a new State Educator Standards Board all authority for licensing educators, including public and nonpublic school teachers, administrators, and other professional education personnel; aides

* *This analysis was prepared before the report of the Senate Education Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

and teacher assistants; preschool teachers; and school district treasurers and business managers. The Standards Board would be divided into two specialized advisory "committees" that would advise the Board as a whole concerning most licensing decisions. One committee would be comprised of classroom teachers and would advise the Board as a whole concerning the licensing of classroom teachers and other educational professionals working primarily with students. The other committee would be comprised of school administrators and would advise the Board as a whole concerning licensing administrators.

The Standards Board as a whole would have control of the Department of Education's special account containing licensing fees and would be authorized to approve the portion of the Department's budget recommending the appropriation of the funds derived from these licensing fees.

Like the State Board of Education, the State Educator Standards Board would adopt all licensing rules under Revised Code Chapter 119. (the Administrative Procedure Act), which subjects the rules to public notice and hearing requirements as well as to review by the Joint Committee on Agency Rule Review (JCARR). However, unlike the State Board's rules, the rules of the new Educator Standards Board would not have to be approved by concurrent resolution of the General Assembly (sec. 3319.22(B)).

Creation of new board

Qualifications of members

(secs. 3319.228 and 3319.229)

The State Educator Standards Board would consist of 13 members appointed by the Governor with the advice and consent of the Senate. The required membership consists of:

- (1) **Six** classroom teachers employed by a school district or county MR/DD board who, at the time of their appointments, held professional teacher licenses (or the equivalent) in any category included in the rule of the State Board of Education for licensing classroom teachers.¹ Of

¹ *The bill refers to types of licenses included under rules of the State Board of Education in existence on January 1, 1999 (OAC 3301-24-05). To allow for board members to be appointed in future years, a member is permitted to hold an "equivalent" license in the event the January 1, 1999 rule is substantively amended after that date. The bill also permits appointees to hold in lieu of a license, a "certificate" issued under the educator licensing transition provisions of Am. Sub. S.B. 230 of the 121st General Assembly.*

these six persons, five must be hold licenses or certificates issued by the National Board for Professional Teaching Standards. The sixth person must have at least 10 years of experience as a classroom teacher employed by a school district or county MR/DD board and possess at least a Master's degree.

(2) **Six** persons employed in administrative positions by a school district or county MR/DD board who hold administrative licenses currently specified in rules of the State Board; and¹

(3) **One** person who is dean, chairperson, or the equivalent of a department, school, or college of education Ohio that is approved in accordance with law to train teachers.

The bill requires all members to be Ohio residents and directs the Governor to ensure that rural, urban, and suburban areas and a variety of licensure categories and teaching fields are represented on the Board. In addition, before selecting members the Governor must request lists of nominees from statewide organizations whose memberships include the persons in the occupations represented on the Board. But the Governor is not required to actually appoint anyone recommended.

The bill prohibits any classroom teacher member of the Board from being employed by the same school district or county MR/DD board as an administrative member.

Terms of office

(secs. 3319.229 and 3319.2210)

The initial terms of office will be staggered by lot at the first meeting of the Board.² Five members will each serve initial terms of six years, while two groups of four members will each serve initial terms of four and two years. Thereafter, members serve six-year terms that begin January 1, and end on December 31. No member may serve more than two consecutive six-year terms.

The Board may declare a position vacant if the member is absent without adequate excuse (as determined by the Board) for two consecutive meetings. In addition, a position is vacant if the member moves out of state or ceases to meet the employment or licensing criteria under which he or she was appointed. All vacancies must be filled in the same manner as original appointments.

² *The bill does not contain a provision establishing a time frame for the Governor to make appointments and for the first meeting to be held.*

Operations of the Board

(secs. 3319.2210, 3319.2211, 3319.2212, and 3319.2213)

The Board must organize every two years by adopting rules of procedure and regular meeting dates, and electing a chairperson and vice-chairperson. The rules of procedure must contain a method for calling special meetings. A majority (seven members) of the Board is required for a quorum, and all official Board actions require the affirmative votes of at least seven members. All meetings must be public, including those considering whether to suspend or revoke an individual's license.

The bill contains detailed requirements for record keeping. The Board's chairperson must designate a person to record all official actions of the Board "in a book provided for that purpose." The book is a public record, and at each Board meeting, the record of the proceedings of the previous meeting must be read, corrected, and approved. The bill allows the Board to adopt a continuing resolution waiving the reading of the record "provided that the record has been distributed to the members . . . at least two days prior to the date of the meeting . . . and that copies of the record are made available to the public."

Board members receive no compensation but do receive reasonable and necessary expenses while engaged in official duties. The bill also specifies that the school district, county MR/DD board, or institution of higher education employing a Board member must authorize paid leave for the member while attending meetings and "other official functions of the Board."

Upon Board request, the Department of Education must provide staff and administrative support for the Board. Department employees must perform all paperwork and processing associated with the issuance of licenses and must maintain licensing records.

Funding for licensing activities of Board

(secs. 3319.2213, 3319.2216(E), and 3319.51)

Current law establishes the State Board of Education Licensure Fund as a separate fund in the Treasury solely to pay the costs of the State Board of Education in administering the educator licensing laws. The State Board establishes the fees for each type of license, certificate, or permit it issues.

The bill transfers the fee-setting function to the new State Educator Standards Board and directs that money in the renamed Professional Educator Licensure Fund be used to pay the expenses of the Board and its members, and the expenses of the

Department of Education to the extent it incurs administrative expenses in assisting the Board to carry out the educator licensing laws.

The bill also specifies that the Board has "control of expenditures" made from the Fund. Specifically, the bill directs the Department of Education to obtain the Board's approval for the portion of the Department's biennial budget proposal to the Office of Budget and Management regarding Fund expenditures.

The Board may receive grants, gifts, and donations from any other public or private source to further its activities.

Advisory committees

The bill apportions the Board into two permanent advisory committees.

Classroom Teacher Licensure Committee

(sec. 3319.2214)

The six classroom teacher members of the Board, constitute the Board's Classroom Teacher Licensure Committee. The seven-member Committee plus the member who is dean of an education college, constitute the Board's Classroom Teacher Licensure Committee. The seven-member Committee is required to the advise the Board on the following duties:

- (1) To adopt, amend, or rescind rules for classroom teacher licenses and certificates (including special endorsements authorizing such things as adult education, teaching preschool handicapped students, acting as a reading specialist, and teaching English to speakers of other languages);
- (2) To adopt, amend, or rescind rules for licensure of pupil services personnel;
- (3) To issue, renew or nonrenew, suspend, or revoke any of these types of licenses;³

³ Section 3319.31(B) includes statutory reasons for the Board as a whole to refuse to issue or renew a license, or suspend, revoke, or limit a license that has been issued to an educator. These statutory reasons involve commission of drug or theft offenses, an offense of violence, or other felony. The Board under its rule-making authority could add additional grounds for disciplinary action. Current rules, for example, require the completion of continuing education requirements to renew licenses.

(4) To rule on an appeal of a decision of a local professional development committee regarding the coursework a licensee wishes to complete in fulfillment of continuing education requirements for license renewal.⁴

Administrative Licensure Committee

(sec. 3319.2215)

The six members of the Board holding administrative licenses, plus the member who is dean of an education college, will form the Board's Administrative Licensure Committee. This seven-member committee is required to advise the Board on its actions with respect to licensing administrators, including rule making, license issuing, disciplinary actions, and appeals of local professional development committee decisions.

Duties of the Board acting as a whole

(secs. 3319.2214(B), 3319.2215(B), and 3319.2216)

The advisory committees are not authorized to take official actions. These may be taken only by vote of the entire membership of the State Educator Standards Board, including any actions to:

- (1) Adopt rules for issuing, refusing to issue and renew, and take individual disciplinary action against holders of all types of permits, licenses, and certificates;⁵
- (2) Adopt a professional code of ethics for educators (currently not a required duty of the State Board of Education);

⁴ *One change in educator licensing effected by Am. Sub. S.B. 230 was an on-going continuing education requirement for renewal of educator licenses. Each school district and nonpublic school had to establish a local professional development committee to approve the proposed continuing education coursework of the employees of that district or school. Under current law, the decisions of these local committees may be appealed to the State Board of Education (sec. 3319.22(C)(1)).*

⁵ *In addition to licenses for teachers, administrators, and pupil service personnel, these would include licenses for school district treasurers and business managers (sec. 3301.074); educational aide permits and educational paraprofessional licenses for educational assistants (sec. 3319.088); internship certificates (sec. 3319.28); 12-hour per week teaching certificates (sec. 3319.301); alternative teaching licenses (sec. 3319.26); and licenses for temporary and substitute teachers (OAC 3301-23-44).*

- (3) Approve or disapprove the Department's proposed budget for the expenditure of the Professional Educator Licensure Fund;
- (4) Establish the fees for all licenses, certificates, and permits;
- (5) Establish rules for and approve or disapprove teacher preparation institutions (sec. 3319.23); and
- (6) Take action on any other issues that come before the Board.

The bill transfers to the new Board other duties of the State Board of Education related to licensing, including requesting background checks of applicants (sec. 3319.291), establishing qualifications for the teaching of community service education for high school credit (sec. 3319.231), adopting standards for teachers of visually handicapped students to demonstrate competency in Braille (sec. 3319.232), and requiring coursework in technology for all teachers (sec. 3319.235).

Streamlining licensing system

(sec. 3319.2217)

The bill directs the Board and its two advisory committees to attempt to "reduce and streamline the educator licensing system to the extent possible to allow greater flexibility in staffing schools while maintaining standards of educator excellence."

Continuing licensure phase-in

(secs. 3319.222 and 3319.223)

Am. Sub. S.B. 230 of the 121st General Assembly, which enacted the current educator licensing system, contained an elaborate phase-in (ending in 2006) of the new license renewal requirements. Subsequent legislation also allows, until January 1, 2002, for issuing temporary speech-language pathology licenses valid while the holder is working to become licensed by the Board of Speech-Language Pathology and Audiology. The bill validates actions of the State Board of Education in issuing or renewing certificates and licenses (including temporary speech-language pathology licenses) during this transition period, while assigning the State Board's phase-in duties to the new Educator Standards Board as of the bill's effective date.

Transferal of State Board Rules

(Section 3)

Uncodified law transfers the rules, orders, and determinations of the State Board of Education and the Department of Education to the new Board on the bill's effective date. All licensing rules remain in effect unless modified or rescinded under Chapter 119. by the new Board. The Educator Standards Board is directed to assume the existing business commenced but not completed by the State Board of Education, and the bill specifies that "no validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer" of licensing functions.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	06-02-99	p. 523
Reported, S. Education	--	--

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