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Bill Analysis

Legislative Service Commission

H.B. 435

126th General Assembly
(As Introduced)

Rep. DeWine

BILL SUMMARY

- Requires school districts to employ licensed athletic trainers under the same type of contract applicable to licensed occupational or physical therapists employed by the districts.

CONTENT AND OPERATION

Athletic trainer contracts

(R.C. 3319.0811)

The bill requires a school district board of education, when hiring an athletic trainer licensed by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, to employ that person under the same type of contract that would be used to employ either a physical therapist or an occupational therapist also licensed by that board for a position requiring that person to be so licensed. Thus, it appears that the bill requires that the term of a licensed athletic trainer's contract extend up to five years in duration, and may become a continuing contract of indefinite term if the person also has a teacher's certificate or educator license and meets other qualifications. Under current law, athletic trainers may be employed by school districts as pupil-activity program directors, supervisors, or coaches whose contracts are limited to terms of not more than one year at a time. Therefore, it appears that the bill exempts athletic trainers from the one-year limit on their contracts.¹

¹ As the terms apply to licenses issued by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, (1) "athletic training" is the practice of prevention, recognition, assessment, management, treatment, disposition, and reconditioning of athletic injuries, (2) "physical therapy" is the evaluation and treatment of a person by physical measures and the use of rehabilitative procedures, with or without assistive devices, for the purpose of preventing, correcting, or alleviating any

Background

Under current law regulating how school districts contract with their employees, someone employed as an instructor, principal, supervisor, or superintendent, or in another educational position for which the State Board of Education requires licensure, must be employed under either a "limited contract" or a "continuing contract." A limited contract may extend up to five years and may be renewed. Certain teachers and other employees who hold professional (eight-year), permanent, or life teaching certificates (issued under former law), or who hold professional educator licenses (as currently authorized) and meet other educational requirements, must be offered continuing contracts which do not expire and therefore are characterized as "tenure."² Among the kinds of educator licenses currently issued by the State Board is a "pupil services license" good for providing specialized support services necessary to a student's instructional program, such as services as a school audiologist, school nurse, *physical therapist*, or *occupational therapist*, to name a few.³ In order to be licensed by the State Board for work in a school, a physical therapist or occupational therapist also must hold the appropriate license issued by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board.⁴

In addition to its curricular programs, a school district board also may establish and maintain "pupil activity programs," in such areas as "music, language, arts, speech, government, *athletics*, and any others directly related to the curriculum."⁵ District boards are further authorized to hire supervisors, directors, and coaches for these programs who are not licensed educators, as long as the boards can demonstrate that no qualified licensed educators are available. However, any person hired to fill such a position who is not a licensed educator must hold a "pupil-activity program permit" also issued by the State Board of

disability, and (3) "occupational therapy" is the evaluation of learning and performance skills and the analysis, selection, and adaptation of activities for an individual whose abilities to cope with daily living and perform normal tasks are impaired. For more complete statutory definitions of these terms, see R.C. 4755.01(A), 4755.40(A), and 4755.60, none in the bill.

² R.C. 3319.08 and 3319.09, neither in the bill.

³ Ohio Administrative Code 3301-24-05(F).

⁴ District boards might employ occupational therapists and physical therapists to provide special education and related services for identified disabled students as well as other services for the regular student population of their schools.

⁵ R.C. 3313.53, not in the bill (*emphasis added*).

Education. Among the types of these permits currently issued by the State Board is a permit for an "athletic trainer."⁶ Any person hired under a pupil-activity program permit must be compensated in the same amount that was offered to the district's licensed employees for that position, but the contract term may not exceed one year. The contracts may be renewed.⁷

HISTORY

ACTION	DATE
Introduced	11-28-05

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⁶ *Ohio Administrative Code 3301-27-02. Unlike the case of physical therapists or occupational therapists hired as educators, the State Board's rules do not explicitly require an athletic trainer seeking a pupil-activity program permit to hold the appropriate license issued by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board. However, the rule was adopted prior to the General Assembly's 1990 enactment of the athletic trainers licensing law, which forbids the practice of athletic training without a license from the Occupational Therapy, Physical Therapy, and Athletic Trainers Board. (See R.C. 4755.62, not in the bill.)*

⁷ *R.C. 3313.53(D).*