



## Occupational Licensing Review

### Board Questionnaire

Board Name State Board Of Education

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Describe the board's primary purpose and its various goals and objectives

The State Board of Education ("State Board") is established under the Article VI of the Ohio Constitution with its powers and duties to be prescribed by law. Pursuant to Ohio Revised Code 3301.07, the State Board is responsible for exercising policy forming, planning, and evaluative functions for the public schools of the state. These duties include leadership in the improvement of public education, administering educational policies, and providing advisory services to public schools and school districts. Pursuant to ORC 3319.22, the State Board is also responsible for adopting rules regarding the standards and requirements for obtaining educator licenses and the issuance of educator credentials. The State Board is responsible for the licensing of many types of educators, including teachers, principals, superintendents, paraprofessionals, educational aides, pupil services providers, and coaches. In addition, the State Board has authority and responsibility with regards to the investigation of licensees for potential misconduct under ORC 3319.311 and the authority to refuse to issue, suspend, revoke, or limit licenses under ORC 3319.31 based upon educator misconduct.

Describe and identify the board's past and anticipated workload, number of staff required to complete workload, and total number of staff

The State Board received 159,462 application requests in 2019 and issued 138,075 credentials during the same time period. Overall the Office of Educator Licensure has seen an increasing trend in both applications requests and credentials issued in five of the last six years, and anticipates this trend will continue. The Office of Educator Licensure, which is responsible for the processing of requests and issuance of credentials, has 12 staff members and typically reviews applications in one to seven days depending on the time of year.

The Office of Professional Conduct is responsible for the investigations of complaints against licensed educators and applicants including the review of criminal background checks as well as participation in the state Rapback system. In 2019, the Office of Professional Conduct received 13,160 referrals which resulted in 1,153 investigations. During the same time period, the Office of Professional Conduct disposed of 1,110 cases including 532 disciplinary actions. The Office of Professional Conduct has seen an increasing number of referrals, investigation, and dispositions since 2013 and anticipates this trend will continue. The Office of Professional Conduct has 27 staff members.

Describe and identify the board's past and anticipated budgets and its sources of funding

Ohio Revised Code 3319.29 and 3319.51 grants the State Board the authority to establish the amount of fees required to be paid for licensure. These fees, which are deposited into the Teacher Licensure Fund, are then used by the State Board to pay the costs of administering requirements related to the issuance and renewal of licenses. This includes the Office of Licensure, the Office of Professional Conduct, and a portion of the Office of Educator Effectiveness. Licensure fee revenue fluctuates each year with the issuance of 3 and 5-year licenses. Over the last 10 years, the annual revenue has averaged \$10.95 million. As a result, the issuance, administration, and regulation of the profession is completely funded by licensure fees. It should be noted that the costs incurred in the operation of the State Board itself is not funded from these licensure fees. The State Board, itself, relies on a portion of the Department of Education's General Revenue Fund operating expenses line item to fund the entirety of their activities.

Identify the number of members of its governing board or other governing entity and their compensation, if any

The State Board of Education is made up of nineteen members, with eleven who are elected and eight who are appointed by the governor. The chairs of the education committees of the Ohio House of Representatives and Ohio Senate serve as non-voting ex officio members. Board members are compensated for their time including attendance at board and committee meetings, educational panels, professional board development, in schools and school facilities, and actively informing or engaging the public on State Board business. Certain board member travel expenses including mileage and parking fees are also compensated.

Is the preservation of the board necessary to protect the public's health, safety, or welfare? If so, is the authority of the board narrowly tailored to protect the public's health against present, recognizable, and significant harms to the public's health safety and welfare?

The State Board is established under the Article VI of the Ohio Constitution. The preservation of the board and its licensure responsibilities are essential to protect the public's health, safety, and welfare. Ohio educators are given the care, custody, and control of Ohio's children, making it essential that every individual coming into contact with students meets a minimum standard for good moral character. Each educator licensed by the State Board is required to complete background checks and is enrolled into the Bureau of Criminal Investigation and Identification's Rapback system which makes the Department aware, in real time, of any arrests, criminal charges, or convictions. In addition, Ohio Revised Code 3319.31 grants the State Board the authority to refuse to issue, suspend, limit, or revoke a credential for conduct that is immoral, incompetent, negligent, or unbecoming the profession. This grants the State Board authority to take action in response to conduct which puts students at risk, regardless of whether or not the conduct was criminal in nature. These protections are necessary and narrowly tailored to protect Ohio's students against the present, recognizable, and significant harms. Applicants and licensees are given proper due process under the law and disciplinary hearings are conducted in accordance with Chapter 119.

Could the public be protected or served in an alternate or less restrictive manner?

Continued licensure is necessary to protect the public, specifically Ohio's students. Licensure provides an important protection ensuring the good moral character of applicants both before and after entering the field. Without licensure, little to no protections would exist to stop educators from moving from school to school and continue potential predatory behavior on Ohio's students. The disciplinary history for every individual licensed by the State Board is available for review by schools, districts, and any member of the public. In addition, licensure is necessary to ensure that proper background checks and enrollment in Rapback occur for all educators. Further, teachers are the most important school-based factor effecting student achievement, and it is essential to staff Ohio's schools with excellent teachers. Standards for licensure support the success of both students and educators. Licensure plays an important role in ensuring that our children are learning from high quality professionals that have been trained in a specific content area and grade appropriate pedagogy.

Does the board serve a specific private interest?

The State Board is made up of nineteen members with eleven elected members and eight members appointed by the Governor with the advice and consent of the Senate. In addition, the chairs of the education committees of the Ohio House of Representatives and Ohio Senate serve as non-voting ex officio members. The State Board is responsible to the citizens of Ohio that it represents, and not any specific private interest.

Are the board's rules consistent with the legislative mandate expressed in the statutes that created and empowered the board?

The State Board is established under the Article VI, section 04 of the Ohio Constitution with the powers and duties of the State Board to be prescribed by law. Pursuant to Ohio Revised Code 3319.22 through 3319.31, one of these duties includes the issuance of licenses and the adoption of rules to establish the standards and requirements for obtaining educator licensure for teachers. The State Board has adopted rules, when appropriate, regarding the issuance, standards, and requirements of licensure consistent with the legislative mandate therein.

If applicable, please identify any licenses or functions of the board that could be eliminated or consolidated

Licensure for all individuals responsible for the care, custody, and control of students is a necessary protection for Ohio's student population. Licensure provides an important protection ensuring the good moral character of applicants both before and after entering the field, through proper background checks and enrollment in the state's Rapback system. Without licensure, little to no protections would exist to stop educators from moving from school to school and continue potential predatory behavior on Ohio's students. The disciplinary history for every individual licensed by the State Board is available for review by schools, districts, and any member of the public. Further, teachers are the most important school-based factor affecting student achievement, and it is essential to staff Ohio's schools with excellent teachers. Standards for licensure support the success of both students and educators. Licensure plays an important role in ensuring that our children are learning from high quality professionals that have been trained in a specific content area and grade appropriate pedagogy.

The different licenses issued by the State Board are designed to account for the variety of professionals that work within the education system and the differing qualifications needed to fulfill these roles. The State Board regularly reviews the needs and demands for licensure types as well as the current educational landscape and has proposed, by rule amendment, the elimination of certain licenses for whom the purpose no longer exists.

Describe the extent to which the board's jurisdiction and programs overlap or duplicate those of other boards, the extent to which the board coordinates with those other boards, and the extent to which the board's programs could be consolidated with the programs of other state departments or boards.

The State Board is the only board or commission with jurisdiction over educator licensure and thus generally does not overlap with other boards.

Schools also employ professionals licensed by other professional boards such as occupational therapists, physical therapists, and nurses. These individuals are dually licensed by both their professional board as well as the State Board. The State Board license is critical to ensure that these individuals, which have the care, custody and control of students, receive adequate background checks before working with students. Not all Ohio professional licensing boards utilize the state's Rapback system, and the State Board license ensures these professionals are added to that system. Further, the State Board has established methods for these individuals to use their professional license as a pathway to both initial licensure as well as licensure renewal.

The State Board has entered into Memorandums of Understanding with other regulatory boards for the purpose of sharing information and streamlining the investigation of misconduct allegations against professionals licensed by more than one board. In addition, the State Board has been working with the Ohio Department of Job and Family Services in order to align the requirements for background checks with the purpose of individuals being able to use a single background check to meet requirements for either entity.

How many other states regulate the occupation or occupations under the board's jurisdiction? Is a license required to engage in that occupation or those occupations in other states? Are the initial licensing and license renewal requirements for the occupation or occupations substantially equivalent in every state? How does the amount of regulation exercised by the board compare to the regulation of the occupation or occupations, if any, in other states?

Educators are licensed or certified in all 50 states and licensure is required to engage in the occupation in all 50 states. Many states have multiple pathways to licensure, including traditional educator preparation programs and alternative pathways, the requirements of which can vary from state to state. There are, however, many commonalities including holding a bachelor's degree, completing criminal background checks, state teaching examinations, and teaching experience, which are generally required by the majority of states. In general, Ohio's licensure requirements are consistent with the majority of the states.

Would significant changes in the board's rules prevent an individual licensed in Ohio from practicing, or allow an individual licensed in Ohio to practice, the same occupation in another jurisdiction without obtaining an occupational license for that occupation in that other jurisdiction?

Licensure is currently required to practice the occupation in all 50 states and the most common pathway to licensure for an out of state applicant is through possession of credentials in the jurisdiction from which an applicant is applying. Without licensure, Ohio educators would face a much greater burden to verify that they meet the requirements for licensure in other states.

Does the board recognize national uniform licensure requirements for one or more occupations under the board's jurisdiction?

Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize.

Could private contractors be used, in an effective and efficient manner, either to assist the board in the performance of its duties or to perform these duties instead of the board?

The State Board believes that its current process is efficient and effective with 12 staff members processing over 160,000 applications a year. The current processing time for applications remains low, between one and seven days depending on the time of year, while also providing personalized customer services to assist educators through the licensure process.

Has the operation of the board inhibited economic growth, reduced efficiency, or increased the cost of government?

The costs associated with the issuance and regulation of licenses is covered by the licensure application fees and thus do not incur an additional burden on Ohio's citizens. The State Board seeks to operate its licensure system in the most effective and efficient manner with a goal of keeping the cost of these fees reasonable. The current licensure system is designed such that the requirements for licensure are commensurate with the requirements of the position in order to limit the number of individuals unable to meet the requirements for some type of licensure.

Describe the authority of the board regarding fees, inspections, enforcement, and penalties.

The State Board has the authority to collect application fees under Ohio Revised Code 3319.29 and 3319.51 with any fees received under this section to be paid into the state board of education licensure fund. The State Board has authority to investigate licensees for potential misconduct under ORC 3319.311 and to refuse to issue, suspend, revoke, or limit licenses under ORC 3319.31. The investigation and disciplinary process set forth under those sections are further elaborated in Ohio Administrative Code 3301-73. With regards to licensure of educators, the State Board is not responsible for inspections.

Describe the extent to which the board has permitted qualified applicants to serve the public.

The State Board has provided numerous pathways for educators to seek licensure. Traditionally trained educators can become licensed through the resident educator pathway while several alternative licensure options, including teacher, principal, and superintendent, which allows applicants to use their content related knowledge, life experience and successful career experience to follow an accelerated pathway. In addition, Ohio Revised Code 3319.65 established the Credential Review Board which assesses individuals pursuing routes to licensure and provides directions and opportunities for qualified applicants to pursue licensure.

Describe the extent to which the board has permitted individuals to practice elements of the occupation without a license.

Teachers may be employed for sixty days by a school while their application is pending which permits these educators to practice the profession immediately and not need to wait for their license to be issued. The State Board also offers a variety of licenses such that the requirements for licensure are in alignment with the duties to be performed thus limiting the number of individuals unable to meet the requirements for licensure. Further, not all employees in a school are required to be licensed. Those individuals including custodians, school secretaries, and food preparation staff members who are not directly responsible for students. These individuals are required to undergo criminal background checks conducted by their employer.

Assess the cost-effectiveness of the board in terms of number of employees, services rendered, and administrative costs incurred, both past and present.

The State Board believes that its current process is efficient and effective processing with 12 staff members processing over 160,000 applications a year. The current processing time for applications remains low, between one and seven days depending on the time of year, while also providing personalized customer services to assist educators through the licensure process. The administration and regulation of educator licensure is funded fully by licensure fees and thus does not place an additional burden on Ohio taxpayers. Given the effectiveness and efficiency of the current system, the State Board does not recommend changes at this time.

Has the board's operation been impeded or enhanced by existing statutes and procedures and by budgetary, resource, and personnel practices?

The State Board believes that its current process under the existing statutes and procedures is efficient and effective processing with 12 staff members processing over 160,000 applications a year. The current processing time for applications remains low, between one and seven days depending on the time of year, while also providing personalized customer services to assist educators through the licensure process. The administration and regulation of educator licensure is funded fully by licensure fees and thus does not place an additional burden on Ohio taxpayers. The State Board has utilized personnel and resources effectively in order to provide the excellent service to educators and protections for Ohio's students.

Has the board recommended statutory changes to the general assembly that would benefit the public as opposed to the persons regulated by the board, if any, and have those recommendations and other policies been adopted and implemented?

The State Board has not passed any resolutions recommending statutory changes regarding licensure laws.

Has the board required any persons it regulates to report to it the impact of board rules and decisions on the public as they affect service costs and service delivery?

The State Board regularly engages with and receives feedback from stakeholders. In addition, the State Board encourages public participation at its public meetings. The State Board posts all administrative rules for public comment and considers all public comment received as a part of the rule making process. The Educator Standards Board is created under ORC 3319.60 and is comprised largely of regulated individuals. This Board reviews and provides recommendations regarding licensure matters going before the State Board. Further, eleven board members are directly elected and are responsible to their constituents. All of these lines of communications ensure the board receives feedback regarding the impact of it's rules and decisions on the public.

Are persons regulated by the board, if any, required to assess problems in their business operations that affect the public?

The State Board's licensure processes are focused on the individual qualifications and good moral character. Certain licensees, such as superintendents, principals, and treasurers have responsibility for the administration of school districts and buildings. Daily busy operations are made at the local level, however, these licensed individuals are obligated to comply with licensure expectations in managing business operations.

Has the board encouraged public participation in its rule-making and decision-making?

The State Board regularly engages with and receives feedback from the associations representing the licensed professions. The State Board posts all administrative rules for public comment and considers all public comment received as a part of the rule making process. In addition, the State Board encourages public participation at its public meetings. Further, eleven board members are directly elected and are responsible to their constituents.

Assess the efficiency with which formal public complaints filed with the board have been processed to completion.

On behalf of the State Board of Education, the Office of Professional Conduct administers the ethical standards for the teaching profession pursuant to Ohio Revised Code 3319.31 and 3319.311. The Office investigates allegations of educator misconduct involving criminal or ethical violations and, if warranted, initiates disciplinary action against the educator's credentials. The Office has jurisdiction to investigate allegations of misconduct by any person who holds, or has applied for, an educator credential issued by the State Board of Education. The Office receives referrals from a variety of sources including applications, school district reports, Rapback reports, children services reports, and reports from members of the public. In 2019, the Office of Professional Conduct received 13,160 referrals which resulted in 1,153 investigations. During the same time period, the Office of Professional Conduct disposed of 1,110 cases including 532 disciplinary actions.

Has the purpose for which the board was created been fulfilled? Has it changed? Does it still exist?

The State Board is established under the Article VI of the Ohio Constitution with its powers and duties to be prescribed by law. Pursuant to Ohio Revised Code 3301.07, State Board is responsible for exercising policy forming, planning, and evaluative functions for the public schools of the state. These duties include exercising leadership in the improvement of public education, administering educational policies, and providing advisory services to public schools and school districts.

Pursuant to ORC 3319.22, the State Board is responsible for adopting rules regarding the standards and requirements for obtaining educator licenses and the issuance of educator credentials. The State Board continues to fulfill this purpose, adopting rules regarding the standards and requirements for obtaining educator licensure when needed and issuing educator licenses in accordance with both statute and rule. In 2019, the State Board received 159,462 application requests in 2019 and issued 138,075 credentials. Ohio Educators are given the care, custody, and control of Ohio's children, making it essential that every individual coming into contact with Ohio's students meets a minimum standard for good moral character and that protections exist to protect against educators moving from school to school after engaging in inappropriate conduct.

Does federal law require that the board be renewed in some form?

Federal education law, including the Every Student Succeeds Act and the Individuals with Disabilities Act, require appropriate licensure as a prerequisite for states and schools to receive federal funding.

Assess the administrative hearing process of a board if the board has an administrative hearing process, and whether or not the hearing process is consistent with due process rights.

On behalf of the State Board, the Office of Professional Conduct administers the ethical standards for the teaching profession pursuant to Ohio Revised Code 3319.31 and 3319.311. The Office investigates allegations of educator misconduct involving criminal or ethical violations and, if warranted, initiates disciplinary action against the educator's credentials. The Office has jurisdiction to investigate allegations of misconduct by any person who holds, or has applied for, an educator credential issued by the State Board of Education. Educators are afforded the opportunity to participate in the investigation process through an interview or by providing a written statement, if the educator so chooses. If, following the investigation, the determination is made to go forward to initiate the disciplinary action, the Office of Professional Conduct provides the educator with notice of the opportunity to request a hearing in compliance with ORC Chapter 119. If the educator requests a hearing in compliance with the requirements in ORC Chapter 119, a hearing officer is appointed to conduct the hearing. The disciplinary hearing process is completed in compliance with ORC Chapter 119 as well as constitutional due process protections. Following the hearing, the hearing officer makes a recommendation to the State Board who can choose to accept, reject or modify the findings and conclusions of the hearing officer. The educator has the right under ORC Chapter 119 to appeal the decision of the State Board to the court of common pleas of the county in which the educator is a resident.

Is the requirement for the occupational license or licenses under the board's jurisdiction consistent with the policies expressed in section 4798.02 of the Revised Code? Does the license serve a meaningful, defined public interest? Does it provide the least restrictive form of regulation that adequately protects the public interest?

Educator licensure serves a meaningful, defined public interest as it is necessary to protect the public, specifically Ohio's students. Licensure provides an important protection ensuring the good moral character of applicants both before and after entering the field. Without licensure, little to no protections would exist to stop educators from moving from school to school and continue potential predatory behavior on Ohio's students. The disciplinary history for every individual licensed by the State Board is available for review by schools, districts, and any member of the public. In addition, licensure is necessary to ensure that proper background checks and enrollment in Rapback occur for all educators. Further, teachers are the most important school-based factor effecting student achievement, and it is essential to staff Ohio's schools with excellent teachers. Standards for licensure support the success of both students and educators. Licensure plays an important role in ensuring that our children are learning from high quality professionals that have been trained in a specific content area and grade appropriate pedagogy. The State Board also offers a variety of licenses such that the requirements for licensure are in alignment with the duties to be performed thus limiting the number of individuals unable to meet the requirements for some type of licensure.

Assess the extent to which licensing ensures that practitioners have occupational skill sets or competencies that are substantially related to protecting consumers from present, significant, and substantiated harms that threaten public health, safety, or welfare, and the impact that those criteria have on applicants for a license, particularly those with moderate or low incomes, seeking to enter the occupation or profession.

Licensure provides an important protection ensuring the good moral character of applicants both before and after entering the field. Licensure establishes a minimum standard of competency in order to ensure that every student is served by competent educators. The State Board also offers a variety of licenses such that the requirements for licensure are in alignment with the duties to be performed thus limiting the number of individuals unable to meet the requirements for some type of licensure. The State Board has provided numerous pathways for educators to seek licensure. Traditionally trained educators can become licensed through the resident educator pathway while several alternative licensure options, including teacher, principal, and superintendents, which allows applicants to use their content related knowledge, life experience and successful career experience to follow an accelerated pathway. In addition, Ohio Revised Code 3319.65 established the Credential Review Board which assesses individuals pursuing routes to licensure and provides directions and opportunities for qualified applicants to pursue licensure. The State Board seeks to operate its licensure system in the most effective and efficient manner with a goal of keeping the cost of these fees reasonable.

Assess the extent to which the requirement for the occupational license stimulates or restricts competition, affects consumer choice, and affects the cost of services.

Given the unique nature of the education system, this question does not apply to the State Board in the manner it would apply to traditional occupational licensing.

Are changes needed in the enabling laws of the board in order for it to comply with the criteria suggested by the considerations listed in this questionnaire?

The State Board is not recommending any changes to the educator licensure laws.

Additional Notes