

Occupational Licensing Review Testimony

Senate Transportation, Commerce and Workforce Committee
Senator Rob McColley, Chair
September 2, 2020

Chairman McColley, Vice Chair Johnson, Ranking Member Antonio and members of the Senate Transportation, Commerce and Workforce Committee, my name is Marjorie Yano and I am the Director of the Office of Policy and Legislative Affairs at the Ohio Department of Education. Thank you for the opportunity to present information regarding the licensing responsibilities of the State Board of Education and Department of Education.

The State Board of Education is established under Article VI of the Ohio Constitution, with its powers and duties to be prescribed by law. Among its duties, the State Board is responsible for adopting rules regarding the standards and requirements for obtaining educator licenses and with the issuance of such licenses.¹ This includes licensing for many types of educators, including teachers, principals, superintendents, paraprofessionals, educational aides, pupil services providers, and coaches. In addition, the State Board also has authority and responsibility to investigate licensees for potential misconduct² and to refuse to issue, suspend, revoke or limit licenses based on misconduct.³

Within the Ohio Department of Education, two offices have primary responsibility for supporting the board in fulfilling its licensing responsibilities: the Office of Educator Licensure and the Office of Professional Conduct. The Office of Educator Licensure includes 12 staff members who process applications and issue licenses and credentials. In 2019, this Office received 159,462 application requests and issued 138,075 credentials. The average time to review an application varies from one to seven days, depending on the time of year.

The Office of Professional Conduct has 27 staff members who are responsible for investigating complaints against licensees and applicants. This Office also oversees the Department's participation in the state's Rapback system and reviewing criminal background checks for licensees and applicants. In 2019, 13,160 referrals for investigation were received by the office resulting in 1,153 investigations conducted. In that same year, 1,110 cases were disposed of, including 532 disciplinary actions. The Office has seen an increasing caseload since 2013 and expects this upward trend to continue.

As outlined in our questionnaire, the State Board issues 42 different credential types to different types of educators. This includes new temporary licenses established in response to the COVID-19 pandemic to ensure

¹ ORC 3319.22

² ORC 3319.311

³ ORC 3319.31

new teachers can enter the field even if they have not yet completed the exams required for full licensure. Federal law – including the Every Student Succeeds Act (ESSA) and the Individuals with Disabilities Education Act (IDEA) – requires states and schools to implement a licensing scheme in order to draw down federal education funds. As such, all 50 states currently require licensure and/or certification of teachers. The different types of licenses offered by the State Board reflects the variety of professionals that work within Ohio’s education system and the differing qualifications needed to fulfill these roles. The State Board is sensitive to changes in the education landscape and periodically reviews our list of licenses and has proposed – by rule amendment – the elimination of licenses that no longer serve a purpose.⁴

The Department is also committed to alternative pathways for educators and administrators to find work in our education system. In addition to the traditional method for licensure, completion of an Ohio Department of Higher Education approved Educator Preparation Program, the Ohio Department of Education offers an alternative licensure method for both teachers and administrators. The alternative teaching pathway provides a more streamlined and economical pathway for individuals to become educators while the alternative administrator pathways allow for individuals with experience in management, administration, or education to transition to building and district administrator positions. Further, the Credential Review Board, which is supported by Department of Education staff, serves as a mechanism to help qualified candidates for licensure who do not meet specific licensure requirements to develop individualized plans to earn a license. Using a holistic, flexible and solutions-based approach, the Credential Review Board considers factors such as an applicant’s experience, academic qualifications, and professional accomplishments that may serve as the basis for meeting licensure requirements through alternative means. Since the Credential Review Board first convened in June 2005, the board has reviewed approximately 1,282 individual cases and the Department continues to believe that this Board serves an important role in helping individuals seeking alternative routes to educator licensure.

In addition to the federal requirements to have a system for certifying teachers, licensure also serves two other important purposes: first, 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. Administrator license are also critical to ensuring high quality education. Licenses for school administrators ensure that treasurers and business managers – who are responsible for the proper use of public funds – have the necessary knowledge and competence to fill these important positions.

Second, licensure ensures that individuals who work within our schools and interact with children receive an adequate background check and are enrolled in the state’s Rapback system. The disciplinary history for every individual licensed by the State Board is available for review by schools, districts and members of the public. Without this safeguard in place, few to no protections would exist to stop individuals with a record of misconduct

⁴ E.g., educational technologist aide permit, career technical worksite teacher/coordinator endorsement, driver’s education endorsement.

from moving from school to school and continue predatory behavior. This protection is important for all our licensees, including those that may be dually licensed by other state licensing boards, because not all licensing boards participate in the voluntary Rapback system. Requiring these professionals to be licensed by ODE ensures that the Department is notified in the event of any criminal arrests or convictions and enables the State Board to take disciplinary action when necessary.

Licensing fees range from \$20 to \$200 – and vary depending on the license type and the duration of the license.⁵ These fees are deposited into the Teacher Licensure Fund, which is used to pay the costs of administering requirements related to the issuing and renewing of licenses – including the operations of the Office of Licensure, Office of Professional Conduct and some expenses within the Office of Educator Effectiveness. Revenue from licensing fees has averaged approximately \$10.95M over the last 10 years. The State Board is interested in operating its licensure system in the most effective and efficient manner, with the goal of keeping costs reasonable for licensees.

The Department of Education believes that our current licensing structure is meeting the needs of educators, schools and families by offering a variety of license types that meaningfully account for the various types of individuals that work daily with Ohio’s students. This system ensures that those individuals who are working in our schools have been thoroughly vetted through our background check system and have the proper qualifications to ensure students are receiving quality and appropriate education. And we seek to run our licensing operations efficiently and effectively and to be good stewards of licensing fees. We appreciate the opportunity to share more about educator licensing in the state of Ohio and would be happy to answer any questions the committee has at this time.

⁵ <http://education.ohio.gov/Topics/Teaching/Licensure/Additional-Information/Complete-List-of-Applications>