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OHIO ALLIANCE FOR ARTS EDUCATION

Arts Online Newsletter Week of April 15, 2024



Members of the State Board of Education

Members appointed by the Governor

Paul LaRue, President
Martha Manchester, Vice President
Mark LaMoncha
Walt Davis
Amy Fugate
Melissa Missy Bedell
Sue Hackett
Jim Mermis

Elected Members

District 1 Diana Fessler
District 2 Teresa Fedor
District 3 Charlotte McGuire
District 4 Katie Hofmann
District 5 Brendan Shea
District 6 Antoinette Miranda
District 7 Vacant
District 8 Michelle Newman
District 9 John Hagen
District 10 Tom Jackson
District 11 Meryl Johnson

Effective April 1, 2024, the State Board of Education moved its headquarters to the William Green Building, 30 West Spring Street, 12th Floor, Columbus, Ohio, 43215, which is also the home of the Ohio Bureau of Workers' Compensation. [HERE](#).

Phone numbers and email addresses for state board members, SBE agency offices and staff will remain the same. **Future meetings of the State Board of Education and the Educator Standards Board will be held in the Bureau of Workers' Compensation Board Room.**

State Board of Education meeting on April 9, 2024

The State Board of Education (**SBE**) met on **Tuesday, April 9, 2024**. Paul LaRue is President, Martha Manchester is Vice President, and Paul Craft is the Superintendent of Public Instruction.

The April 2024 meeting of the SBE is available on the Ohio Channel [HERE](#).
Materials for the April 2024 meeting are available [HERE](#).

Public participation on agenda and non-agenda Items

The State Board of Education received public testimony on the following topics during the April 9, 2024 meeting:

Remote Learning for Special Needs Students: Lisa Cox of School Solutions, which a provider of services for students receiving the Jon Peterson Special Needs Scholarship, and Jennifer Rigney, an intervention and reading specialist who also serves students who are participating in the Autism Scholarship and the Jon Peterson Special Needs Scholarship, **asked the State Board of Education for support in restoring remote learning opportunities for students with special needs.**

On July 1, 2024, students in the two state scholarship programs will no longer be able to receive intervention services remotely. Currently Jennifer Rigney provides intervention services to 16 students remotely through her private educational services agency, but was told by the Department of Education and Workforce that **remote learning will end.**

She asked the State Board to revise the intervention specialist license to explicitly state that intervention specialists are allowed to provide instruction remotely to students. She explained that **some of her students have medical conditions that prevent them from attending school in person.**

Parents and service providers addressed the State Board last month about the same issue. Testifying on behalf of their children were Amber Hedrick, Shane Hedrick, Brian Cox, Lisa Cox, and Kelly Gulick.

According to their testimony, the parents were notified by the Ohio Department of Education and Workforce last November that special education remote services for therapy and tutoring, which was allowed during the COVID pandemic, would end in June 2024. They came to the State Board to ask for a change in the license for intervention specialists so that their children could continue to receive remote services. Most said that they have struggled trying to find an instructional program that would support the various learning needs of their children, and remote tutoring and therapy has been working. The children are receiving support through the Jon Peterson Special Needs Scholarship and the Autism Scholarship.

Two bills were recently introduced in the Ohio House to address this issue:

- **HB436** (Beryl Piccolantonio and Sarah Carruthers), **requires the “State Board of Education to permit educational aides and intervention specialists to provide remote services.”**
- **HB440 Remote Services for Special Needs Scholarship Recipients** (Sarah Fowler and Beth Lear), **allows credentialed professionals to provide remote services** for special needs students under the Jon Peterson Special Needs Scholarship Program.

Diana Fessler asked Superintendent of Public Instruction Paul Craft if there was a rule that the State Board of Education could amend to address the problem. Superintendent Craft said that there doesn't appear to be a rule and **he is not sure that the State Board of Education has the legal authority to override a decision made by the Department of Education and Workforce.**

When asked about the rationale for ending remote learning, Ms. Rigney explained that it seems that federal support for remote learning was available during the COVID pandemic through, and that support has now ended.

Lisa Cox also told the SBE that **the Ohio Department of Education and Workforce** has invited her and some parents to participate in **developing standards to provide virtual services by registered private providers** who are being supported by the Autism Scholarship and Jon Peterson Special Needs Scholarship. **Currently there are no standards or rules.** The notice for rulemaking was issued on April 5, 2024 [HERE](#).

Brendan Shea announced to the State Board that he is also hearing from constituents about **this change in policy, which affects many families. He intends to introduce a resolution that supports continuing remote learning** for these students at the May, 2024 SBE meeting.

Increase the Consequences for Teachers who Break Their Contract: Kevin Miller, Superintendent of Licking Heights Schools in Licking County, asked the State Board of Education to **take more definitive action when teachers break their teaching contracts after the July 10th deadline** set in law.

He told the State Board that several teachers in his district have resigned without being released from their contracts by the Board of Education. This has **caused many disruptions in learning for students and staff** during the school year.

According to Superintendent Miller, this scenario is not unique to Licking Heights. Many superintendents no longer file complaints with the State Board of Education's Office of Professional Conduct, because in most cases **the State Board only issues a Letter of Admonishment, which doesn't "carry much weight."**

He asked the State Board of Education **to consider more stringent actions to discourage teachers from breaking their contracts**, which negatively impacts school districts and "most importantly" **disrupts learning for students.**

State Board members had many questions for Superintendent Craft about **what steps could be taken** to discourage teachers from breaking their contracts.

Superintendent Craft explained that it is true that not all school districts file complaints with the State Board when someone breaks their contract. According to Kelly Edwards, SBE Office of Professional Conduct, the data does show that **around 80 contracts were reported broken last year**, which is an increase from less than 10 in 2014. Right now the Office of Professional Conduct can issue a Letter of Admonishment without going through the hearing process and a vote of the State Board. A full hearing process could lead to a one-year suspension of a teaching license, but that **might take several years to process, because the Office of Professional Conduct is understaffed.** Last year staff handled 22,000 referrals, and with limited resources, it is hard to process them, so the office focuses on the most egregious cases of unprofessional conduct.

Superintendent Craft told the SBE that **he is working on developing clearer standards** so that school districts will understand which conditions will result in someone losing their license for a year versus receiving a Letter of Admonishment. He hopes that encouraging school districts to file a complaint with the Office of Professional Conduct when a teacher breaks their contract will improve data collection and change behaviors.

Opposition to Grade Band Changes: Dr. Nicole Whitaker, Ohio Association of Colleges of Teacher Education and Dr. Tracy Husiak- Clark Bowling Green State University provided in person testimony. Dr. Mary Heather Munger, Ohio Association of Colleges of Teacher Education, submitted written testimony.

The **witnesses testified against the grade band changes included in House Bill 33**, the FY24-25 Operating Budget. **The law replaces the current preK-5, 4-9, and 7-12 licenses for general education teachers with a new PK through grade 8 license and a new grade 6-12 license.** The law doesn't affect the multi-age license in a specific content area.

In her testimony Dr. Nicole Whitaker, Middle Grades STEM Education Teacher Preparation Expert, Ohio Association of Colleges of Teacher Education (OACTE), said that she is advocating for reversing those

changes for a wide variety of reasons, “not the least of which is the fact that teacher licensure is not an appropriations-related item and, therefore, should not have been included in a budget bill, rather, it should be discussed and deliberated by the appropriate education committees, educational agencies, and education specialists with the best interests of Ohio students as the primary focus.” She is currently working with Senator Catherine Ingram, who has introduced SB219 to restore the former license bands.

Dr. Whitaker also told the State Board that **eliminating the grade 4-9 license will undermine the work done for Middle Level Teacher Preparation and Licensure in Ohio**, which ensures that adolescent students “...have the best opportunity to gain the in-depth knowledge, skills and dispositions provided by professionally trained middle level educators.”

The change to PK-8 and 6-12 **also dilutes the content and pedagogical preparation for teachers across the grade level bands**, resulting in less prepared teachers in content and pedagogy.

Implementing the new licenses **will also be “costly and time-intensive” and is unlikely to be a “quick fix for educator shortage issues,”** because it will take a minimum of four years before any teachers would be licensed under the new grade bands. That is because teacher preparation programs will require the development of new pedagogical standards, which will be used by educator preparation programs to modify nearly all programs through internal approval processes at each university. The Ohio Department of Higher Education will need to review and approve all modified programs and develop and validate new licensure tests.

Dr. Whitaker added, “...if the goal of consolidating the grade bands is to provide districts with greater flexibility in placing teachers in high vacancy grades, the Ohio Revised Code already provides school districts with the option of applying for a waiver to allow a fully licensed teacher from one grade band to serve in another grade outside of the grade band listed on their license for up to two grade levels and two years to provide districts time to find appropriately licensed teachers. This solution directly addresses the emergency situations in district contexts. It also allows the state to gather data on where specific shortages exist. The supply and demand of teachers fluctuate over time; waivers are a quick, flexible, and efficient way to address this reality without undermining the quality of education received by Ohio students.”

Superintendent Craft agreed that superintendents and principals lobbied lawmakers to create the new license configurations so that they would have more flexibility assigning educators. He said that superintendents don’t like using the two year-grade-band waiver, because for **some components of the report card, schools and districts will be penalized for not employing highly qualified teachers**. Later he added that what is driving efforts to expand the grade bands in law is union contracts that prevent superintendents from assigning teachers to teach outside of their license grade bands.

Temporary Reduction in the Licensure Fees for School Psychologists: Rachel Chilton, Executive Director of the Ohio School Psychologists Association, explained that because of a **change in the oversight of the school psychology license included in HB509, the State Board of Education will no longer issue the license. In 2025 the State Board of Psychology will begin to issue a five-year license. However**, there are some school psychologists who need to renew their license this year. So the State Board is reducing the cost of the license so that school psychologists will pay for just 1/5th of a license this year. She asked for the State Board of Education to pass Resolution 20 to temporarily reduce the license fees for school psychologists this year for one year only.

Stop the Promotion of LGBTQ and Trans Lifestyles: Stephen Bauer submitted written **testimony requesting the State Board of Education to use their influence to stop the promotion of LGBTQ and**

trans lifestyles; take down all flags except the American flag and Ohio flag; and make our schools truly safe.

Report of Paul Craft, Superintendent of Public Instruction

Dr. James Wightman, Associate Director – Office of Educator Licensure and Effectiveness **reviewed the changes proposed for the following rules.**

- **Rule 3302-24-15 Provisional educator license for teachers in STEM schools.** (5-year review ORC 106.301) This rule pertains to issuing a two-year provisional license to teach in a STEM school. The only changes to this rule are those that replace references to the former Ohio Department of Education with the state board of education. The Educator Standards Board (ESB) has approved the revisions to this rule.
- **Rule 3302-24-27 Early college high school educator license.** (5-year review ORC 106.301) This rule pertains to issuing an initial four-year early college educator license to teach in a school designated as an early college high school. The Educator Standards Board has approved this rule review with no changes required.
- **Rule 3302-26-01 Examinations for educator licensure.** (5-year review ORC 106.301) ORC Section 3319.22 grants the SBE the authority to require candidates for an educator license to pass an examination, and to create the rules for the administrative process for the license. This rule became effective August 1, 1987. There have been no changes to legislation impacting the current rule since it became effective April 25, 2019. The procedures and processes outlined in this rule are currently in practice. The Educator Standards Board approved the revisions to this rule, which replace references to the former Ohio Department of Education with the State Board of Education due to the restructuring of the Department in House Bill 33 the FY24-25 Operating Budget.
- **Rule 3302-24-28 Interim License.** This rule is being rescinded. It was created during COVID and is no longer applicable. The Educator Standards Board has approved the recission.
- **NEW Rule 3302-24-19 Alternative resident educator license renewal and extension.** This rule is promulgated under Section 3319.22 Ohio Revised Code (ORC). The following revisions have been made and are approved by the Educator Standards Board:
 - Makes the alternative resident educator license renewable generally, rather than renewable only for reasons determined by the State Board or as necessary to complete the Ohio Teacher Residency Program.
 - Permits the holder of an alternative resident educator license to teach preschool students.
 - Allows the holder of an alternative resident educator license to renew the alternative resident educator license. Upon renewal the renewed license will be designated as an alternative educator license.
 - Changes the requirement for successful teaching experience from four years, under the alternative resident educator license, to two years of successful teaching experience.

- **NEW Rule 3302-25-10 One-year Instructional Assistant Permit.** This rule is promulgated under Section 3310.43 ORC Instructional Assistant Permit and has been approved by the Educator Standards Board.

The revised rule adds a new section to the rule that is highlighted below:

- Allows an instructional assistant permit to be issued upon the request and recommendation of a registered private provider under the autism scholarship program, provided that the applicant meets the requirements set forth in division (B) of section 3310.43 of the revised code, and the private provider is registered for the appropriate fiscal year that would correlate with the effective year selected on the instructional assistant permit application.

State Superintendent updates SBE about the move to the William Green Building and balancing the budget

Superintendent Paul Craft updated Board members and the public about the latest activities of the agency.

He reported that the move to the William Green Building, 30 West Spring Street, 12th Floor, Columbus, Ohio, 43215, on April 1, 2024, **went smoothly**. The State Board of Education shares the building with the Ohio Bureau of Workers' Compensation, and will use their large board room in the future for meetings of the Education Standards Board and State Board of Education. He added that he appreciates that all agency staff are now located on one floor and believes that the new quarters are an improvement over the former.

Superintendent Craft announced that **he is currently interviewing candidates for chief legal counsel after a resignation opened a position in the agency. Because of budget constraints the agency is limited to 60 employees. Since the transition the agency has hired an accounts payable person and an HR person. He would still like to hire someone to handle communications and an assistant.**

He also reported that **he is optimistic that lawmakers will help the agency resolve its budget shortfall after positive meetings with Senate President Matt Huffman, House Speaker Jason Stephens, and Senate Minority leader Nickie Antonio.** While he **doesn't expect to receive the \$10 million** that the State Board of Education requested in a resolution that they approved in February, he said lawmakers are likely to provide \$4.9 million to cover legally mandated activities of the State Board of Education, such as the cost of Rapback and the loss of \$123,000 in licensure fees from school psychologists.

In answer to a question from Teresa Fedor, **Superintendent Craft said that lawmakers were not in favor of raising teacher licensure fees**, and organizations such as the Ohio Association of School Business Officials, the Coalition of Rural and Appalachian Schools, and the Ohio Association of Educational Service Centers are also opposed to an increase.

Report and recommendations of the Superintendent of Public Instruction

During its business meeting the State Board **took action on** the following resolutions, considered old business, new business, and adjourned its business meeting. The Policies and Procedures Manual Committee met after the business meeting ended.

Administrative Code Rules:

Approved by a vote of 16 to 2 Resolution 5 to adopt Ohio Revised Code 3319.226/Ohio Administrative Code **Rule 3302-23-44 Temporary and Substitute Licenses**. This rule was amended to align with changes in Ohio Revised Code Section 3319.102, which creates the new Temporary Substitute teaching license, which can be renewed for one year upon the request and recommendation of an employing superintendent under the following conditions:

- **The holder is currently enrolled in** a post-secondary program to qualify for a substitute teaching license under Section 3319.226 or has completed .8 continuing education units (eight contact hours) or the equivalent activities related to classroom teaching as approved by the employing school or school district prior to beginning substitute teaching.
- **The new training must lead to new pedagogical knowledge** or knowledge in a content area for which the educator is serving as a substitute teacher.

Approved by a vote of 17 to 1 Resolution 6 to adopt changes to Ohio Administrative Code **Rules 3302-24-18 Resident Educator Program – Grade Band Changes**. The rule was revised to align with changes in Section 3319.22 of the Ohio Revised Code, which created a new prekindergarten to grade eight license and a grade six to grade twelve license. **The rule includes the following terms describing each license:**

- **Eliminates the prekindergarten through grade three license:** the early childhood resident educator license.
- **Retains the prekindergarten through grade five license:** the primary resident educator license.
- **Adds the prekindergarten through grade eight license:** the elementary and middle education resident educator license.
- **Retains the grade four through grade nine license:** the middle childhood resident educator license
- **Retains the grade seven through grade twelve license:** the adolescent to young adult resident license
- **Administrative Adds the grade six through grade twelve license:** the secondary resident educator license

Approved by a vote of 17 to 1 Resolution 7 to adopt changes to Ohio Administrative Code **Rules 3302-24-21 Computer Science Licensure for Industry Professionals**. This rule aligns with changes to Ohio Revised Code 3319.236 (E). Changes in this rule were recommended favorably by the Education Standards Board. The rule creates a license that is limited to teaching 40 hours per week in computer science. The license is issued at the request of the school district superintendent; the individual must demonstrate five years of documented successful work experience in the area of computer science; the license is renewable; and the individual must successfully complete the State Board of Education's approved examination in the area of computer science.

Miscellaneous Resolutions:

Approved by a vote of 15 to 1 with one abstention Resolution 20 to adopt a **yearly fee for the School Psychologist License** with an effective date of July 1, 2024. Senate Bill 1 of the 135th General Assembly

removed the authority of the State Board of Education to issue school psychologist licenses and gave that authority to the State Board of Psychology beginning on December 31, 2024.

The State Board of Psychology by statute only issues and renews licenses in years that end in 0 or 5. Therefore, any school psychologist licensed by the state board of education who needs to renew their license before December 31, 2024 to maintain an active school psychologist license, or any initial license issued by the state board of education with an effective date of July 1, 2024 will be required to obtain a license from the State Board of Education, and again in 2025 obtain their license from the board of psychology.

Because this places a significant financial burden upon these individuals the State Board revised its fee schedule for one year so that the license fee for pupil service (school psychologist) licenses with an effective date of July 1, 2024, to be equal to the yearly cost of a license.

Approved by a vote of 16 to 0 Resolution 21 to **adopt a \$25 fee for Pre-service Teacher Permit**. This is a new license established in HB33 the FY24-25 Operating Budget, that requires students in teacher preparation programs to obtain a Pre-Service Teaching Permit for \$25 per year for the duration of the permit.