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OHIO LEGISLATIVE SERVICE COMMISSION

Wendy Zhan, Director

Office of Research
and Drafting

Legislative Budget
Office

H.B. 554*
134th General Assembly

Occupational Regulation Report

[Click here for H.B. 554's Bill Analysis / Fiscal Note](#)

Primary Sponsors: Reps. Lightbody and Bird

Impacted Profession: Professional educators

Kelly Bomba, Attorney
James Clark-Stewart, Economist

LSC is required by law to issue a report for each introduced bill that substantially changes or enacts an occupational regulation. The report must: (1) explain the bill's regulatory framework in the context of Ohio's statutory policy of using the least restrictive regulation necessary to protect consumers, (2) compare the regulatory schemes governing the same occupation in other states, and (3) examine the bill's potential impact on employment, consumer choice, market competition, and cost to government.¹

LEAST RESTRICTIVE REGULATION COMPARISON

Ohio's general regulatory policy

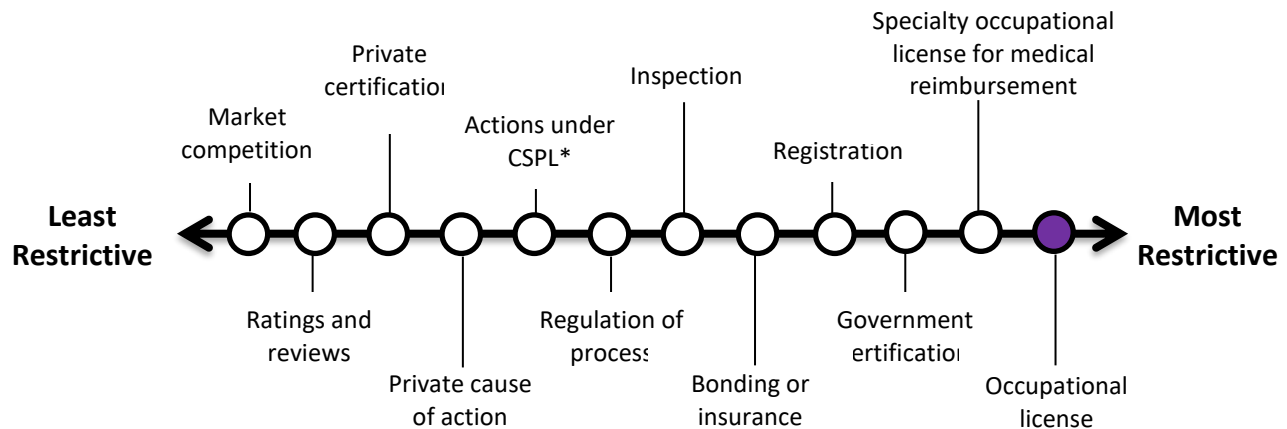
The general policy of the state is reliance on market competition and private remedies to protect the interests of consumers in commercial transactions involving the sale of goods or services. For circumstances in which the General Assembly determines that additional safeguards are necessary to protect consumers from "present, significant, and substantiated harms that threaten health, safety, or welfare," the state's expressed intent is to enact the "least restrictive regulation that will adequately protect consumers from such harms."²

The degree of "restrictiveness" of an occupational regulation is prescribed by statute. The following graphic identifies each type of occupational regulation expressly mentioned in the state's policy by least to most restrictive:

*This report addresses the "As Introduced" version of H.B. 554. It does not account for changes that may have been adopted after the bill's introduction.

¹ R.C. 103.26, not in the bill.

² R.C. 4798.01 and 4798.02, neither in the bill.



*CSPL – The Consumer Sales Practices Law

The bill modifies existing licensure requirements applicable to professional educators under a current administrative rule. That rule permits the State Board of Education to issue a temporary license to certain professional educators whose licenses previously expired and allows them to practice while completing requirements for full reinstatement. The temporary license is valid in the same grade levels and curriculum areas as an educator’s expired license. The bill requires issuance of such a license and expands the ways educators may qualify for, and the duration of, the license. The bill also modifies the requirements the educator must satisfy to convert the temporary license into a fully reinstated license.

Necessity of regulations

Representative Lightbody, one of the bill’s sponsors, testified that the bill will help alleviate Ohio’s teacher shortage and provide students with instruction from teachers with significant relevant workplace experience both inside and outside the classroom.³

Representative Bird, one of the bill’s sponsors, testified that the bill is necessary because of a teacher shortage in Ohio and suggested that the bill will streamline the process for former teachers who want to return to the classroom.⁴

Restrictiveness of regulations

Licensure is the most restrictive of all regulatory options identified within the state’s continuum of regulations. Accordingly, the state’s policy prescribes a narrow range of situations

³ See Representative Mary Lightbody, [House Bill 554 Sponsor Testimony \(PDF\)](#), April 5, 2022, which is available on the General Assembly’s website: legislature.ohio.gov, by searching for “HB 554” and looking under the Committee Activity tab.

⁴ See Representative Adam Bird, [House Bill 554 Sponsor Testimony \(PDF\)](#), April 5, 2022, which is available on the General Assembly’s website: legislature.ohio.gov, by searching for “HB 554” and looking under the Committee Activity tab.

in which required licensure is appropriate; specifically, when all of the following circumstances are present:

- The occupation involves providing a service regulated by both state and federal law;
- The licensing framework allows individuals licensed in other states and territories to practice in Ohio; and
- The licensing requirement is based on uniform national laws, practices, and examinations that have been adopted by at least 50 U.S. states and territories.⁵

Ohio's current professional educator licensing law does not satisfy two of the three criteria under which licensure is the preferred method of regulation. There is no federal regulatory framework for professional educators. In addition, although all 50 states require licensure of teachers, the licensing laws vary from state to state and lack uniformity.⁶

However, Ohio's current professional educator licensing framework appears to satisfy the reciprocity criterion. An individual who taught under a standard or professional out-of-state teaching license for three years or more may apply for a professional educator license in Ohio.⁷

The bill does not create a new license or expand the scope of activities for which licensure is required. It simply modifies existing licensure requirements for professional educators. As discussed below, these changes appear to reduce the restrictiveness of current regulations by allowing reinstatement of a license with less coursework or education units, but do not bring Ohio's professional educator licensing law into compliance with the state's general policy on occupational regulations. Therefore, the law continues to meet one of the three criteria under which licensure is the preferred method of regulation.

IMPACT STATEMENT

Opportunities for employment

The requirement to issue temporary educator licenses, and the ability of temporary license holders to convert to a (permanent) professional educator license, will likely increase opportunities for employment in education. These provisions may also increase the number of teachers over the long term, as they may facilitate teachers with previously expired licenses reentering the education profession on a permanent basis because of the bill's conversion provision.

⁵ R.C. 4798.02, not in the bill.

⁶ See [Teacher Certification and Licensing Requirements by State](#), which is available on All Education Schools' website: alleducationschools.com.

⁷ See R.C. 3319.22, Ohio Administrative Code (O.A.C.) 3301-24-05, and [Out-of-State Licensure](#), which is available by conducting a keyword "out-of-state" search on the Ohio Department of Education website: education.ohio.gov.

Consumer choice and cost and market competition

As this bill may increase the size of the teaching labor force in Ohio through easing barriers to entry, it may allow for increased consumer choice, as a greater number of teachers in Ohio may allow for the opening of more schools. But opening of new schools would depend on the demand side of the market as well, which the bill does not affect.

SUMMARY OF PROPOSED REGULATIONS

Temporary educator licenses

The bill requires, rather than permits as under the current administrative rule, the State Board of Education to issue nonrenewable two-year temporary educator licenses to individuals with expired professional teacher's certificates (issued under former law) or professional educator licenses if both of the following apply:

- The individual did not have any disciplinary sanctions on the certificate or license at the time of expiration; and
- The individual completes any training required by the district or school before providing instruction under the temporary license.

This appears to reduce the restrictiveness of the current license issued under rule because the duration of the license is longer by one year. Additionally, to receive the license under the rule, the prior license must have lapsed for at least one year due to not meeting professional development requirements. The bill does not require a specific length of time for the license to be lapsed nor limit eligibility to only those licenses that lapsed for failing to complete professional development. Therefore, the bill appears to expand eligibility.

Conversion to a professional educator license

Additionally, the bill requires the State Board to issue a professional educator license to a temporary license holder who, during the duration of the temporary license, completes either of the following:

- 18 continuing education units (180 contact hours); or
- Six semester hours of coursework in the area of licensure or in an area related to the teaching field.

This also appears to lessen restrictions by lowering the number of continuing education hours and semester coursework needed for full reinstatement as specified in the rule (the rule requires either (1) nine semester hours of coursework or (2) 27 continuing education units (270 contact hours) or other equivalent activities related to classroom teaching or the area of licensure for reinstatement to full licensure).

Similar to the license issued under the current rule, a temporary license and professional educator license issued under the bill is valid for teaching in the same subject areas and grades for which the expired certificate or license was issued, including any endorsements attached to

the certificate or license. The rule does not address whether expired professional educator’s “certificates,” issued under former law, are eligible for reinstatement.⁸

COMPARISON TO OTHER STATES

Generally, individuals with a lapsed professional educator license or its equivalent in other states must have that license reinstated to practice and do not have the ability to practice while working toward reinstatement. Thus, the bill would be less restrictive in that regard compared to other states.⁹

Kentucky has a similar provision to the bill. Kentucky’s Education Professional Standards Board is required to issue a nonrenewable five-year “exception certificate” to certain individuals with an expired teaching license. An individual may receive a full license if the individual completes classroom instruction before the certificate’s expiration.¹⁰

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⁸ R.C. 3319.222 and O.A.C. 3301-24-08(C), (I), and (J).

⁹ See Fla. Stat. 1012.585 and Fla. Admin. Code Ann. 6A-4.0051; [Return to the Profession \(PDF\)](#), which is available by conducting a keyword “expired” search on the Michigan Department of Education website: michigan.gov/mde; 22 Pa. Code 49.17; 511 Ind. Admin. Code 14-3-2; 19 Tex. Admin. Code 232.9 and 232.7.

¹⁰ Ky. Rev. Stat. 161.030(10)(b) and 16 Ky. Admin. Regs. 2:230.