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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**S.B. 168**  
**135<sup>th</sup> General Assembly**

## **Fiscal Note & Local Impact Statement**

[Click here for S.B. 168's Bill Analysis](#)

**Version:** As Introduced

**Primary Sponsor:** Sen. Reynolds

**Local Impact Statement Procedure Required:** No

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### **Highlights**

- The bill may provide school districts and other public schools with a greater pool of individuals to meet staffing needs by easing the educational criteria to qualify for certain educator, administrator, and pupil services licenses, and by permitting schools to hire an unlicensed individual as a teacher under certain conditions.
- The bill may increase administrative costs paid from the State Board of Education Licensure Fund (Fund 4L20) to process any additional license applications as a result. These costs will be more or less offset by a gain in license fee revenue paid by applicants.
- The annual cost of performing the Bureau of Criminal Investigation's background check activities and services may increase to some degree. These costs will be more or less offset by the fees charged to conduct a background check.
- The bill permits school districts to develop and use an alternative framework for teacher evaluations. Any fiscal effects associated with this provision on school districts are permissive and will depend on district implementation decisions.
- Various other provisions may decrease professional development, administrative, or other operating costs for school districts and other public schools.

### **Detailed Analysis**

The bill makes changes to a variety of education laws related to teacher evaluations, licensure and professional development, public hearings, and district exemptions from certain requirements. In general, these provisions provide districts and schools with additional flexibility to meet staffing needs, perform teacher evaluations, and carry out various administrative or

human resources tasks. The bill also removes various obsolete provisions from current law. Provisions with notable fiscal effects are discussed below.

## **Educator licenses and qualifications**

The bill may provide school districts and other public schools a greater pool of individuals to fill certain teaching and nonteaching positions, as the bill imposes less stringent education requirements than the current requirements on certain educator licenses as detailed below. The bill may therefore lead to an increase in the State Board of Education's administrative costs to process additional license applications. However, any additional costs will be more or less offset by a gain in license fee revenue paid by applicants. Educator license fees are deposited into the State Board of Education Licensure Fund (Fund 4L20). These fees will cover the costs of processing applications, technical assistance related to licensure, administering the educator disciplinary process, as well as other functions.

Specifically, the bill permits an individual who holds at least a bachelor's degree to obtain a professional pupil services license in the area of school counselor or school psychologist as long as the applicant meets other criteria for the license and subject area as prescribed by the State Board. The fee for a professional pupil services license is \$200 and a license is valid for five years. As a point of reference, the State Board has issued approximately 9,900 active professional pupil services licenses in the area of school counselor or psychologist, as of October 20, 2023.

The bill also modifies the minimum education requirement for a senior professional educator, lead professional educator, professional administrator, and alternative superintendent license to allow an individual who holds at least a bachelor's degree, rather than at least a master's degree as under current law, to obtain such a license. Senior and lead professional educator licenses are the third and fourth steps, respectively, in a ladder of credentials available to educators as they progress through their careers. Professional administrator licenses encompass credentials for superintendents, principals, or administrative specialists. Again, the applicant must still meet the other criteria for each respective license. The licensure fees for these vary from \$80 for an alternative superintendent license to \$200 for the remaining senior professional educator, lead professional educator, and professional administrator licenses. All of these licenses are valid for five years before renewal, with the exception of the alternative superintendent license that is only valid for two years. Currently, there are approximately 900 individuals with active senior professional educator licenses, 400 with active lead professional educator licenses, 19,000 with active professional administrator licenses, and 40 with active alternative superintendent licenses as of October 20, 2023.

The bill also permits public schools and districts to employ an unlicensed teacher who holds a master's degree, provided the individual successfully completes an examination prescribed by the State Board for the subject area they are to teach. The bill requires an individual employed in this way to (1) undergo a criminal records check, (2) enroll in the Retained Applicant Fingerprint Database (RAPBACK), and (3) complete 15 hours of coursework every five years that is approved by the local professional development committee.

## **Background checks**

An applicant for any of these licenses described above and any unlicensed teachers employed under the bill will need to have current state and federal background checks on file with the State Board. According to the State Board, the checks can be no older than one year at

the time the State Board issues the credential. Background checks filed with the State Board are valid for five years. The bill may affect the workload of the Attorney General's Bureau of Criminal Investigation (BCI) if the number of background checks requested each year increases as a result of the bill. Any associated increase in BCI's annual operating expenses will be more or less offset by the fees charged to conduct a check. BCI performs state-only background checks by comparing an individual's fingerprints against a database of criminal fingerprints to determine if there is a criminal record. BCI also administers federal background checks through the Federal Bureau of Investigation (FBI), which uses a national database to search for criminal history records. The base fees of the state-only and FBI background checks are \$22 and \$25.25, respectively. All of the fees are credited to the General Reimbursement Fund (Fund 1060),<sup>1</sup> with \$23.25 of the FBI background check fee subsequently disbursed to the FBI.

## **Teacher evaluations**

Current law requires a school district to develop and adopt standards-based teacher evaluation procedures according to a framework developed by the State Board of Education. The bill permits schools to develop and use their own frameworks for teacher evaluations as an alternative to the framework prescribed by the State Board. The bill maintains current law requirements for evaluation procedures to include at least formal observations and classroom walk-throughs, which may be announced or unannounced; examinations of samples of work, such as lesson plans or assessments designed by a teacher; and multiple measures of student academic growth. Any fiscal effects associated with this provision on school districts are permissive and will depend on district implementation decisions.

The Department of Education and Workforce (DEW) provides an online educator evaluation system, the Ohio Evaluation System (OhioES), for districts and schools to report educator evaluations. Districts or schools have two options to submit teacher evaluations: (1) a combination of electronic forms and uploaded attachments or (2) manually enter performance ratings to determine the Final Holistic Rating of Teacher Effectiveness. According to DEW, the first option may or may not be viable depending on the alternative framework, while districts could use the second option by uploading a copy of the alternative framework and entering the Final Holistic Rating. Therefore, this provision appears to have no fiscal effect on DEW.

## **Dyslexia professional development and screening**

Under continuing law, teachers in school districts, community schools, and science, technology, engineering, and mathematics (STEM) schools must complete professional development in identifying characteristics of dyslexia and understanding the pedagogy for instructing students with dyslexia. Current law requires the Ohio Dyslexia Committee to prescribe the number of clock hours of instruction that teachers must complete, provided that instruction must be between six and 18 clock hours. The Committee currently prescribes 18 clock hours. The bill permits districts and schools to determine the number of clock hours, which must be between six and 18, that a teacher must complete to satisfy the professional development requirement.

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<sup>1</sup> The Attorney General uses the money credited to Fund 1060 to pay for operating expenses incurred in the provision of law enforcement services, legal representation, and overall office administration.

As a result, this provision may lower professional development costs if districts choose to require a smaller number of hours.

The bill permits a school district to apply to DEW for a waiver from dyslexia screening requirements, provided the district presents evidence that a student previously received a dyslexia screening in the prior school year.<sup>2</sup> Continuing law requires all students in grades kindergarten through third grade be evaluated in the 2023-2024 school year. The fiscal effect of waiving these dyslexia screenings may result in a minimal decrease in the costs for school districts to administer the screenings.

## **Exemption from statutory requirements**

The bill permits a school district to renew an exemption from certain statutory requirements related to teacher licensure and other topics every three school years as long as it meets certain performance criteria (see the [LSC bill analysis](#) for details). Current law does not address renewal of the exemption past an initial three-year term. According to DEW guidance, the Department resets the three-year period each school year that a district meets the requirements for the exemption.<sup>3</sup> Thus, it appears that a school district will not be able to renew its exemption as frequently as under current practice. For the 2023-2024 school year, 175 (29%) school districts qualify for exempt status. The bill requires DEW to notify each eligible district, annually by September 30, about the exemptions and their eligibility. The cost for DEW to make such notifications for districts renewing their exemptions under the bill likely will be negligible at most. DEW posts the list of exempt districts on its website.<sup>4</sup>

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<sup>2</sup> See DEW's [Ohio's Dyslexia Guidebook \(PDF\)](#), which may be accessed by conducting a keyword "Dyslexia screening" search on DEW's website: [education.ohio.gov](http://education.ohio.gov).

<sup>3</sup> See DEW's ["Exempt Status" and its Impact on Qualifying School Districts guidance \(PDF\)](#), which may be accessed by conducting a keyword "Exempt Status" search on DEW's website: [education.ohio.gov](http://education.ohio.gov).

<sup>4</sup> See DEW's [Rewards and Recognition](#), which may be accessed by conducting a keyword "Rewards" search on DEW's website: [education.ohio.gov](http://education.ohio.gov).