



# Ohio Legislative Service Commission

## Bill Analysis

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### H.B. 372

131st General Assembly  
(As Introduced)

**Reps.** Phillips, Ashford, Fedor, Grossman, Lepore-Hagan, Patterson, Rogers, K. Smith, Sykes

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## BILL SUMMARY

- Requires each city, exempted village, and local school district to employ at least five full-time educational service personnel for each 1,000 students in the district's regular student population.
- Specifies that these educational service personnel must be assigned to at least five of nine specified positions.

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## CONTENT AND OPERATION

### Required educational service personnel for school districts

The bill requires each city, exempted village, and local school district to employ at least five full-time equivalent "educational service personnel" for each 1,000 students in the district's regular student population. The bill further specifies that these personnel must be assigned to at least five of the following nine positions: (1) school counselor, (2) librarian or library media specialist, (3) school nurse, (4) technology instructor, (5) school social worker, (6) instructor for limited English proficient students, (7) elementary school art teacher, (8) elementary school music teacher, and (9) elementary school physical education teacher.<sup>1</sup>

### Regular student population

For purposes of the bill, "regular student population" is the number of the district's resident students actually enrolled in its schools who are counted for state funding purposes, but who are not in special education or career-technical programs,

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<sup>1</sup> R.C. 3319.078(A).

plus the number of nonresident students who attend the district's schools through an interdistrict open enrollment policy.<sup>2</sup> Thus, it excludes any of the district's students receiving educational services from one or more of the following: a community school; a college through the College Credit Plus (CCP) program; an educational service center (ESC) or cooperative education district; another school district under a cooperative education agreement, compact, or contract; a private school using a state scholarship; a STEM school; or a college-preparatory boarding school.<sup>3</sup>

## **Background on the former 5 of 8 rule**

The bill's provisions are similar to those of the so-called "5 of 8" rule, a former administrative rule of the State Board of Education that was recently rescinded and replaced. Under the old rule, a school district was required to employ a minimum of five full-time "education service personnel" for every 1,000 students enrolled in the district. The rule also provided that these education service personnel must be "assigned to at least five of the eight following areas: counselor, library media specialist, school nurse, visiting teacher, social worker, and elementary art, music, and physical education."<sup>4</sup> The 5 of 8 rule was based on, and made reference to, a statutory funding penalty that no longer exists. Under the former law, a portion of a district's state aid was deducted if it failed to employ five full-time educational service personnel from the eight specified categories. Operation of this deduction provision was suspended in 2009, and it was repealed altogether in 2011.<sup>5</sup>

The current rule, which replaced the so-called 5 of 8 rule, gives a school district board responsibility for the scope and type of educational services provided in the district. The rule still specifies that districts must employ educational service personnel, who must hold the appropriate teaching certificate or license, but it does not specify how many persons must be employed.<sup>6</sup>

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<sup>2</sup> R.C. 3319.078(B). Also see R.C. 3313.981(A)(1), 3317.02(F), and 3317.03(A) and (B), none in the bill.

<sup>3</sup> There are no college-preparatory boarding schools organized under R.C. Chapter 3328 currently operating in the state.

<sup>4</sup> Former Ohio Administrative Code (O.A.C.) 3301-35-05(A)(4).

<sup>5</sup> Former R.C. 3317.023(D). Suspended by former R.C. 3317.018, as enacted by H.B. 1 of the 128th General Assembly. Repealed by H.B. 153 of the 129th General Assembly.

<sup>6</sup> Current O.A.C. 3301-35-05(A)(3).



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## HISTORY

ACTION

DATE

Introduced

10-19-15

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