

OHIO GENERAL ASSEMBLY  
JOINT COMMITTEE ON AGENCY RULE REVIEW

**SENATE MEMBERS**

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**March 16, 2015**

Chairman Duffey called the meeting to order at 1:33 p.m.

Deputy Director Fouche called the roll. Representatives Duffey, Hayes, Grossman, Phillips, Johnson, and Senators Uecker, LaRose, Balderson, Tavares, and Yuko were in attendance. Deputy Director Fouche stated a quorum was present. Chairman Duffey asked the Committee members to review the February 26, 2015 minutes. The minutes were approved as presented.

Director Wolpert read the No Change Agenda. Chairman Duffey called for questions or comments on the No Change Agenda. There were no questions from the Committee or public. Director Wolpert read the Regular Agenda. Chairman Duffey called for questions or comments on the Regular Agenda. There were no questions from the Committee or public. Chairman Duffey recessed the Committee momentarily at 1:36 p.m.

Chairman Duffey called the meeting back to order at 1:37 p.m. to discuss the rules on the Review Agenda. Chairman Duffey called Susan Yutzey, Ohio Educational Library Media Association, for opponent testimony. Ms. Yutzey stated the revised rule increases the probability that the school districts will employ fewer, if any, library media specialists. Ms. Yutzey also stated the rule increases the probability that poorer rural and urban school districts will be less likely to have a licensed library media specialist who will provide resources and instruction, select materials to engage students, and encourage students in independent reading. Ms. Yutzey urged the committee members to not revise the language of rule 3301-35-05. There were no questions for the witness.

Chairman Duffey called Steve Mitchell, Ohio Association for Health, Physical Education, Recreation and Dance, for opponent testimony. Mr. Mitchell believes rule 3301-35-05 conflicts with the letter and intent of sections 3313.60 and 3313.613 of the Ohio Revised Code (O.R.C.). Mr. Mitchell stated section 3302.032 of the O.R.C. requires schools to provide a report card measure of physical education standards adopted under division A(3) of section 3301.079 of the Ohio Revised Code. Mr. Mitchell urged 3301-35-05 to be revised with language to ensure developmentally appropriate and high quality physical education. There were no questions for the witness.

Chairman Duffey called George Edge, Ohio Music Education Association, for opponent testimony. Mr. Edge stated rule 3301-35-05, in its revised form, does not include the minimum staffing levels directive for Educational Service Personnel. Mr. Edge believes the removal of the

hearing in regards to rule 3301-35-05. Ms. Hogue stated they explained to board members that it was not their position to take away the services because they are vital and important for a child's education. She further stated it was important for each district to make the decision on the local level based on the district's needs. Ms. Hogue stated once that is explained teachers seem to be more comfortable with the board members in their local area. There were no further questions for the witnesses.

Chairman Duffey directed the members to an email on the iPads from Jessica Voltolini, Director of the Office of Legislative and Policy Services for the Department of Education. Chairman Duffey said Ms. Voltolini indicates some context about the process the State Board used to review the rule. Ms. Voltolini states it is not a simple repeal it is a repeal and replace of three components. One, districts must employ educational service personnel. Two, only properly credentialed personnel may service in those roles. Three, whatever number of service personnel that is in each category will be published publically on the state report card.

Chairman Duffey called Keith Horner, Superintendent of Wapakoneta City Schools, for proponent testimony. Mr. Horner explained to the committee how Wapakoneta City Schools recently went through an extremely difficult financial period. He stated how he and his Board of Education resolved the issue which included reducing the number of employees both included and not included in the "5 of 8." Mr. Horner argued the traditional "5 of 8" list is incomplete Mr. Horner believes the new revised rule is appropriate and provides local districts flexibility and local control.

Senator Tavares asked how Mr. Horner's school did before and after the reduction of employees during the financial crisis. Mr. Horner believes there was an educational impact because of the cuts. He also believes they were able to focus on their job as educators and lift themselves up. Their last report card was very good. The previous report card was not very good. There were no further questions for the witness.

Chairman Duffey stated there was testimony from AJ Wagner, State Board of Education, on the member's iPads. Chairman Duffey called Kevin Duff, Sharon Jennings, and Ron Rudduck from the Ohio Department of Education to answer questions from the committee. Representative Johnson asked if it would be better to look at how this rule affects 2015 and how we might be able to improve on it rather than just throw the whole thing out. Mr. Duff stated the State Board started working on this rule about a year ago to discuss the operating standards. At first the Board removed the rule entirely and there was an extensive discussion process with stakeholders that brought the rule to how it is proposed today. There were opportunities for stakeholders and the public to offer testimony on the rules. Associations and the State Board compromised on taking out the "5 of 8" and including the language where certain individuals needed to be employed. The individuals that were employed needed proper credentials. The list is expanded from the eight to about seventeen to reflect the changes within the schools. The report card for the school districts will include the personnel employed. Mr. Duff stated the Board listened to the comments that were given from stakeholders and worked to create a compromise.

Yuko, Representative Phillips, and Representative Johnson voted to recommend a resolution to invalidate of the rescission and new rule 3301-35-05. The motion failed.

Chairman Duffey reminded the public of the next JCARR meeting on Monday, April 6, 2015, at 1:30 p.m. in the William McKinley Hearing Room (Room 121).

Chairman Duffey adjourned the meeting at 2:34 p.m.



Mike Duffey, Chair



Larry Wolpert, Director