



School Board Hears Criticism of Broader Grade Bands, Talks Remote Peterson/Autism Services

Bills in this Story

[HB33 FY24-25 OPERATING BUDGET \(Edwards, J\)](#)

[HB436 REMOTE SERVICES - EDUCATIONAL AIDES, INTERVENTION SPECIALISTS \(Piccolantonio, B; Carruthers\)](#)

The State Board of Education discussed Tuesday the implications of budget bill law changes that flattened the grade band licensure structure for teachers to two bands from three. They also heard about an expected interruption in services for students in the state's Autism and Jon Peterson scholarships because of expired authority to serve them remotely, as well as a plea for the board to take a tougher approach to teachers who break their contracts.

Under HB33 (Edwards), the grade bands are changing from preK-5, 4-9 and 7-12, to preK-8 and 7-12. Witnesses who spoke during the board's public participation session Tuesday morning said this change diminishes the value of specialized training and knowledge teachers have to focus on middle-grades students and will disrupt the efforts of teacher training programs.

"The change to PK-8 and 7-12 is problematic because it dilutes the content and pedagogical preparation for teachers across the grade level bands, resulting in weakened student learning. PK-5 licensure provides a solid foundation in child development and preparation in instructional strategies for the youngest learners, which are significantly different from appropriate instructional strategies for middle-level learners. Four-9 licensure incorporates much more substantial content area preparation allowing for deeper content coverage and the use of grade-level appropriate strategies for students in the middle grades," said Nicole Whitaker, a former middle grades math and science teacher who now works in teacher preparation at the collegiate level.

"Additionally, eliminating the 4-9 licensure band risks staffing middle grades with teachers not committed to working with that population. Before the institution of 4-9 licensure, middle grades were often assigned K-8 teachers who would have preferred to teach younger students or 7-12 teachers who would have preferred to teach in a high school. As a result, middle-grades teachers ranged widely in their commitment to middle-grades students, and student experiences suffered," she said.



Board member Antoinette Miranda asked her to elaborate on the effects of the grade band changes to teacher preparation programs and higher education institutions. Whitaker said they will have to revamp their program.

Whitaker said the program where she teaches now, at Marietta College, is the only one from which students graduate dually trained as both general education teachers and intervention specialists. She said the intensive programming required for this dual training will not longer be possible under the grade band shift, because new reading instruction requirements will prevent the program from also incorporating special education coursework within the 120 credit-hour limit.

Board member Diana Fessler asked who pushed for these grade band changes. Whitaker said she believed it was local superintendents, who sought it to address teacher shortages. State Superintendent Paul Craft confirmed this, saying small districts in particular struggle with staffing flexibility.

Board member Brendan Shea said he saw the broader grade bands as recognizing teachers' abilities, saying he, as a financial adviser, can perform a wide range of duties under a single license, while a pediatrician can treat children from birth through age 18.

"The more you constrain professions and say you have to have this more limited focus ... to me that doesn't enhance your prestige, it actually lowers it," Shea said.

"You're comparing this to fields that actually have respect. The teaching profession, the minimum wage is \$35,000 per year ... no pediatrician, no financial adviser, no engineer works for \$35,000 per year," Whitaker said.

She said fewer people will be willing to take on a breadth of training that calls for them to be capable of successfully teaching both a 5-year-old and an eighth grader living through puberty.

"They are specialized because that training allows them the competence and confidence to work with those students and to be successful," she said.

"We're legislating ourselves out of our problem that we legislated ourselves into," said board member Michelle Newman, remarking on the "air of distrust" emanating from many legislative proposals toward the teaching profession.

Tracy Huziak-Clark, who works in teacher preparation at Bowling Green State University, expressed similar sentiments as Whitaker, saying the change dilutes the importance of understanding unique developmental levels and could create inconsistency.

"Teachers choose grade bands because those are the ages of students they wish to work



” Huziak-Clark said.

She recalled a substitute teaching stint she had with a kindergarten class after focusing in her career on older students. “It literally was the hardest five days of my life, including completing my Ph.D.,” she said.

The board also heard requests Tuesday that they take action to preserve the option for private and home school students on the Jon Peterson and Autism scholarships to be served remotely.

Jennifer Rigney, an intervention and reading specialist with a private educational services practice, said her authority to provide remote services to students is set to expire in the new fiscal year absent legislative or administrative action. She said she was skeptical when the pandemic forced her to deliver services online, but now she is able to serve more students more consistently, and those students face fewer barriers to services from frail health, travel or other logistical issues.

“I’m impressed with it and shocked by it because I was anti-remote before the pandemic, and now I’m sold,” Rigney said.

She requested the board change language related to intervention specialist and aide licensure to explicitly allow remote instruction for private and home school students, saying it is allowed for charter and district schools. Rigney noted the recent introduction of HB436 (Piccolantonio-Carruthers), which would make the change she suggested.

Fessler asked Craft about the situation.

“There does not appear to be a rule that’s right on point that we could adjust right now,” Craft said.

Board member Meryl Johnson asked whether students aren’t able to get the services in person or just don’t want to do it that way. Rigney said in some cases in-person isn’t feasible. One of her students has a cystic fibrosis-like chronic illness and cannot be in public settings. Another is part of a family with seven children, some of whom have blood disorders and need to travel to the hospital regularly for transfusions. “Her child can still see me remotely while she attends to the medical needs of another child,” she said of the mother in this family.

Shea said at the end of Tuesday’s board meeting that he intends to introduce a resolution soon in support of Rigney’s request.

Lisa Cox of School Solutions, a Peterson scholarship services provider, also testified on the topic after addressing the board at the March meeting. (See *The Hannah Report*, 3/11/24.) She said she’d learned from the Department of Education and Workforce (DEW) that they are



the process of rulemaking on this issue. DEW spokesperson Lacey Snoke confirmed this

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“During the pandemic, the Legislature temporarily authorized virtual services for students participating in the Peterson and Autism scholarship programs. That authorization ended June 30, 2022. Subsequently, some virtual services were specifically authorized for most credentialed providers through telehealth legislation and individual licensing boards. At present, there are no standards or authorization for virtual services provided by intervention specialists employed or contracted by private scholarship providers. The Department of Education and Workforce has agreed to undertake development of an administrative rule that would authorize and establish standards for such scholarship services,” she wrote in an email.

Snoke noted scholarship program rulemaking is now under the authority of DEW, not the board, following the HB33 governance changes.

Kevin Miller, superintendent of Licking Heights Schools, in testimony to the board requested they take action to address the issue of teachers’ breaking their employment contracts in late summer. He noted one who’d resigned in late July last summer, citing a job offer from the then-Ohio Department of Education; district follow-up revealed no such job offer had been made.

“We filed an official complaint with the State Board of Education’s Office of Professional Conduct. Recently, we received notice from the State Board of Education that the teacher was issued a Letter of Admonishment. And it left me to wonder, what does it take for the State Board to suspend an educator’s teaching license for a year for breaking a contract after the July 10 deadline, as allowed by law?” he said.

Miller said the teacher who replaced that teacher himself resigned a month into the school year to take a position closer to home, while another math teacher decided to leave the profession mid-year.

“What has happened to us this past year is not unique to Licking Heights. However, the epidemic of teachers’ breaking contract without the approval of their Board of Education is most likely vastly under-reported because frankly, many districts have given up on filing complaints. Many of my colleagues note that they no longer file complaints, knowing that the only thing that will happen is a letter of admonishment, which doesn’t carry much weight,” Miller said.

Board member Newman said she’d heard similar complaints throughout her district, noting the workforce shortage is not just a matter of recruitment but also retention.



“... we talk about holding the teacher profession high, it is a career ... if we start disregarding the profession, we get the kind of changes who we get in the door,” she said.

Fessler asked about statistics on broken contract cases. Kelly Edwards, director of the Office of Professional Conduct, said numbers have increased over the years. When she started in the office about a decade ago, there were fewer than 10; in 2021, the office saw 121 such cases. Edwards told Fessler it is discretionary for schools to report broken contract cases to the board.

Board member Amy Fugate asked how many teachers leave for other schools versus another line of work. Miller said he knows some of the teachers who left Licking Heights did not stay in education. Fugate noted suspending the license would not be much punishment for a person who left education. Miller agreed but said a license suspension would limit their options in returning to the field and send a stronger message.

Craft told board member John Hagan that letters of admonishment can be handled administratively by board staff without involvement of the board, but suspensions require board review.

Hagan told Miller he sympathized with his problem but also wondered if the students weren't better off with those teachers no longer in the classroom. “If they didn't want to be there, how effective of a teacher are they going to be at that point?”

Edwards said the office reviews each report of a broken contract individually to determine how to proceed. In some cases, there is not an actual written, signed contract in place, so the office has to find other evidence that indicates a contractual relationship. In other cases, the local board of education has adopted a resolution accepting the resignation, which can constitute consent to the departure and effectively end the case. The office considers aggravating and mitigating circumstances, noting situations such as military spouses who have to move or people facing health crises.

Shea asked Craft to address the issue from a budget perspective. Craft said the issue of how to “triage” cases and decide which deserve further resources is always on his mind, given how professional conduct referrals have increased by the thousands in the past several years.

The board also heard a request from Rachel Chilton of the Ohio School Psychologists Association, who asked that school psychologists not be charged the full cost of licensure for the remainder of this year because of the pending transfer of licensure authority from the board to the State Board of Psychology. Craft confirmed that the resolution regarding psychologist licensure on the day's agenda conformed to Chilton's request.

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