

OSPA...

## WORKING FOR YOU

In recent months your association has been diligently working on behalf of school psychologists and the students they serve. The following highlights some of that important activity:

### *State Board of Education/ Ohio Department of Education Activity*

- 1) Operating Standards for the Education of Children with Disabilities: Ann Brennan and the OSPA Rules Task Force have continued to respond to drafts of the Operating Standards for the Education of Students With Disabilities. Ann Brennan testified before the State Board of Education in favor of the final draft at the December Board meeting. The rules were effective July 1, 2008. All of OSPA's recommended language proposed by our task force was included in the final draft
- 2) Guidance Manual: Ann Brennan has represented OSPA on the ODE/OEC Stakeholder Work Group, which is still in the process of developing a Guidance Manual to accompany the Operating Standards. The plan was for this Manual to also be effective July 1, but it looks as if it will not be finished until later this fall. Again, the OSPA Rules Task Force has greatly assisted in this effort, as they have been asked to provide feedback and recommend changes to the proposed language in the draft manual. This process began in November, and has involved three daylong meetings and follow-up conference calls. The group was divided into subcommittees to work on particular sections of the draft; OSPA was placed on the evaluation section subcommittee. The group was also asked to offer feedback on all of the draft sections via an interactive e-mail site. The Manual is in it's final stages and the draft will be placed on the ODE website for the purpose of gathering feedback from teachers, related service professionals and administrators.

3) ODE/OEC Related Service Provider Ratio Work Group:

ODE/OEC has set up a series of meetings to begin the discussion of related service provider ratios. The Operating Standards continue the current ratios, however ODE committed to establish this work group and address the ratio issues within the context of student outcomes and the reality of the current state budget restraints. Since April three meetings of a Steering Committee have taken place, and a Future Search Conference was held on May 7 and 8. OSPA president Terry Bendo and Ann Brennan participated in this conference. The conference attendees represented all of the pupil service providers, teachers, administrators, and a State Board of Education member; the facilitated conference resulted in agreement among the participants of the key issues related to pupil service provider caseloads and ratios. The Steering Committee met in June and August to review the information from the conference and information compiled from an ODE/ OEC statewide survey. The plan is for the Steering Committee to make recommendations to the State Board of Education for their consideration. Ann Brennan has been invited to represent OSPA on the Steering Committee and will also serve on the writing team that will draft the recommendations. Ann Guinan, Assistant Director, OEC is coordinating this work.

4) Autism Scholarship Rules Revision: The ODE/OEC has begun the rules revision process of the Autism Scholarship Rules. Regional hearings on the draft rules were held in May and the draft rules were posted on the OEC website through an interactive comment form. The tentative timeline for adoption is: November 2008; rules filed with Joint Committee on Agency Rule Review (JCARR); December 2008: State Board of Education holds a Chapter 119 public hearing; January 2009: State Board resolution to adopt; Late Jan./Feb. 2009: earliest effective date. To review the rules go to: [OEC\\_ASP@ode.state.oh.us](mailto:OEC_ASP@ode.state.oh.us). OSPA has submitted comments asking for clarification regarding the new language in several sections of the rule, which address the diagnosis of PDD-NOS

from a physician or a psychologist (independent evaluation). The draft implies that such a diagnosis could generate an automatic IEP from the school district of residence, without an evaluation team determination of a disability. OSPA has opposed this possible interpretation of the rules and has recommended that the language be clarified to comply with IDEIA and the requirement of an evaluation if a disability is suspected. Since OSPA submitted this concern, OEC/ODE has interpreted the draft rules and related Ohio law to clarify that all students suspected of having a disability, including those with a diagnosis of PDD-NOS would need an evaluation by the school district evaluation team to determine if the student indeed was a student with a disability.

- 5) Other State Board/ODE activities: Kathy Shelbe has been appointed as the Director of the Office for Exceptional Children, she begins her new job at the end of August.

Ann Brennan attends the monthly two day meeting of the State Board of Education and monitors all activity related to school psychologists and the students served by them. The State Board recently adopted School Climate Guidelines, and is currently deliberating on many issues pertaining to school improvement. They are also working on their legislative/budget recommendations for the next biennium budget, which they present to the Governor in the fall.

Ann Brennan and some IUC members will be working on a committee at the request of Ron Ross the Executive Director of the State Board of Psychology to assist in the draft rules that must be written to implement HB 503, which is expected to pass this fall. The bill changes the requirements regarding doctoral internships.

Additionally, OSPA is also participating on a committee to revise certain rules and laws pertaining to the State Board of Psychology. The committee has agreed to OSPA's recommendation regarding some minor changes to the scope of practice of school psychologists.

The recommendation clarifies that such practice would not be limited to an educational setting, but could take place at other settings .

### *Governor Strickland's Education Reform Initiatives*

Ann Brennan has attended several education stakeholder meetings with the Governor and his education policy staff. This group is meeting twice, monthly. At the most recent meetings proposals to address education reform issues were discussed. The Governor is seeking feedback on these concepts from a variety of groups, including the education organizations. Ann Brennan has circulated the proposals to the OSPA Executive Board and the listserv. OSPA has presented feedback to these initial proposals. The most recent meetings of the Education stakeholders focused on dividing into small roundtable groups to come up with future oriented important “big ideas” which will produce the best educational reforms. Not surprisingly, some of the common ideas brought up were: strong leadership from the state policy leaders through the school district, building and classroom levels; quality instruction fueled by strong pre-service programs and excellent job embedded professional development; redesigned accountability system that would foster creative thinking, with less emphasis on high stakes testing; an intervention and prevention type system that would address academic and behavioral barriers to learning; restructuring of the school day and year to allow for time as a variable as it applies to student learning; and sustained state leadership and support for sustained resources.

On June 19-21 the Governor hosted the 2008 Governor's Institute for Creativity and Innovation in Education. OSPA was asked to nominate up to 10 members who were participating in education reform efforts resulting in significant gains in student achievement. Working with the OSPA president, Terry Bendo, the following members were selected and attended: Becky Dingeldein, Janet Graden, Dana Marolt, Rita Poth, Don Saracusa and Markay Winston. Ann Brennan also attended. The conference's purpose was to: “focus on the Governor's vision of building learning environments that foster and nurture creativity,

innovation and global competence. Bringing together individuals representing eleven different stakeholder groups, the conference provided an opportunity for participants to brainstorm the essential ingredients to make this vision a reality.” The invited participants represented the following stakeholder groups: teachers, higher education, elementary and secondary principals, school counselors and school psychologists, superintendents, parents, school board members, business leaders, and community partners. Following the institute, from July – September, the Governor hosted regional public forums to engage and seek input from stakeholders and the general public in this reform process. OSPA was asked to invite one member to most of these 12 forums, and 2 members to two of them. Officers and members of the Executive Board were invited to participate. The web casts of each forum are available through the Governor’s website: [www.conversationoneducation.org](http://www.conversationoneducation.org).

### *Update on Ohio School Medicaid Program Rules*

On June 6 ODE and ODJFS issued the most recent draft of the administrative rules for implementing Ohio’s proposed Medicaid School Program (MSP). In the letter that was sent by Paolo DeMaria (formerly with ODE) and John Corlett, Medicaid Director to OSPA and other education stakeholder groups, they stated “ an attempt was made to balance the concerns raised by stakeholders with the elements expected by the federal Centers for Medicare and Medicaid Services (CMS) and those needed to gain CMS approval of the proposed program.” They asked for comments from the education groups. Ann Brennan met twice over the summer with OSBA, OASBO, BASA, OEA and OFT to review the draft and to collectively respond, The following issues were addressed in our response: 1) Current draft does not allow ESC’c or MRDD’s to bill for Medicaid services, in our comments we have asked that they be allowed to bill and be included in the definition of LEA. 2) the draft only allows school psychologists and counselors licensed by either the State Board of Psychology or the State Counselor and Social Worker Board to bill for Medicaid eligible mental health services as

determined by students IEP. We have asked that the rules also include ODE licensed school psychologists and school counselors.

### *Ohio General Assembly Action*

After a very busy spring session, on June 10 the General Assembly recessed until the fall. Ann Brennan attends the weekly meetings of the House and Senate Education Committees, as well as other committees where bills effecting school psychology are being considered.

Recent action included:

**SB 57**, the special education voucher bill. The bill has passed the Senate on a party-line vote and has been approved by the House Education Committee, also by a party-line vote. The bill was not offered as an amendment to the House Budget Corrections bill, which means it will now need to go to the full House for a vote when the General Assembly reconvenes in the fall. The Governor's office has stated that the Governor would veto the bill. A group of education organizations, including OSPA have presented opposition testimony on this bill.

. The bill was amended in the House Education committee to include the following:

- Require the special education provider to report to the originating school district during the academic year on the progress of the child's individual education program (IEP).
- Require a private provider to state in writing why it had rejected a student under the voucher.
- Require the provider to supply interested families with a "profile" of its enrollment costs, method of instruction, teacher qualifications, results from its program evaluations and any other information required by the Ohio Department of Education.

- Extend to Dec. 31, 2008, the deadline for the Partnership for Continued Learning to report on the impact of community schools and existing EdChoice voucher initiatives on public school districts and their communities.

**HB 406**, which prohibits the use of corporal punishment in schools, has been reported out of the House Education Committee. The bill has not been scheduled for a House vote, which means that no further action will take place until the fall session. If the bill were to pass the House it must still be considered in the Senate. OSPA has joined a coalition of groups supporting this bill.

**HB 562**, the Capital Appropriations bill, passed the House and Senate on June 10. The following highlights the education related provisions:

\* Recomputes the SF-3 offset and direct replacement payments for the loss of business tangible personal property (TPP) taxes for school districts. Projected data used in computing these amounts in earlier calculations for some districts were substantially different than similar FY 2008 actual data. The Ohio Department of Education has created a simulation spreadsheet identifying the total adjustments that would be made to district payments in fiscal year FY 2009 based on the recalculation that would be required by the proposed legislation (see attached). The official recalculation would be made in August according to the bill.

It appears that 116 districts will receive back payments totaling \$15.9 million and 188 will have reductions due to overpayments totaling \$6.4 million. Districts not affected total 309. All adjustments are scheduled for FY 2009. Ohio schools would benefit from a net increase in revenue of just over \$ 9.5 million.

Other provisions of interest in the current version of HB 562 include:

## Autism

\*Requires the Franklin County Educational Service Center to establish the Ohio Center for Autism and Low Incidence. (Currently the OCALI is established within the ODE. But, the ODE has subgranted federal funds to the Franklin County ESC to oversee and provide services for the Center.) Requires the Superintendent of Public Instruction to appoint an advisory board. Requires the ODE to contract to provide services to individuals with autism and low incidence disabilities with the OCALI or another entity.

\*Requires the Executive Director of the OCALI, working with the Ohio Department of Mental Retardation and Developmental Disabilities, to establish the Autism Preschool Program.

## SCHOOL FACILITIES COMMISSION

\*Accelerates by one year the policy of including open enrollment net gain in calculating a district's percentile ranking to determine school facilities funding for FY 2009 funding, under certain conditions.

\*Allows in certain cases a recalculation of the percentile share for districts awaiting state assistance based on open enrollment net gain. "Look back provision."

\*Requires the ODE to calculate for school districts an alternative ranking for FY 2009 funding for school facilities assistance (Ohio School Facilities programs) based on single-year adjusted valuation per pupil rather than a three year average, and use the alternative ranking under certain conditions.

\*Makes adjustments regarding the local share of costs for new projects for districts that previously received assistance.

\*Permits the School Facilities Commission to increase the set-aside to 3 percent in FY08 only for joint vocational school districts participating in the Vocational School Facilities Assistance Program.

\*Permits districts other than those participating in the Accelerated Urban School Building Assistance Program to segment the CFAP projects, under certain conditions.

## TAXATION

- \*Requires the ODE to recalculate a district's taxable valuation if the initial valuation erroneously included at least \$10 million in tax-exempt public utility property, and make appropriate payments and make adjustments for the district regarding the School Facilities Commission rankings.
- \*Modifies utility property tax replacement payments for schools by neutralizing the state funding effects of the phaseout of business tangible personal property taxes, delaying the eventual termination of those replacement payments.
- \*Shortens the timeline for school district income tax rate reductions to become effective relative to January 1st, under certain conditions.
- \*Requires the school district personal property tax reimbursement calculation to be reconciled at the end and in the middle of each fiscal year.
- \*Reimburses school districts for the loss from the phaseout of the business personal property tax on fixed sum levies through 2010, or as long as the levies are renewed, until 2017.
- \*Extends the time for determining the state education aid offset for July 20 to July 30.
- \*Extends the term of a newly imposed or newly renewed levy from five to ten years.
- \*Authorizes school boards that levy an emergency levy to "substitute" a new kind of levy for one or more emergency levies. This new type of levy would yield increasingly more revenue as new property is added to the tax list.
- \*Authorizes a school board levying a substitute levy to issue anticipation notes in a principal amount not exceeding 50 percent of the total estimated proceeds for the first year.

## NON PUBLIC SCHOOLS

- \*Permits chartered nonpublic schools to purchase goods and services through group purchasing contracts negotiated and arranged by the Department of Administrative Services.
- \*Requires the Department of Education to proportionally distribute to

chartered nonpublic schools the unspent amount appropriated in fiscal years 2008 and 2009 for reimbursement of their administrative costs.

\*Requires the Seniors to Sophomores program to permit students of nonpublic high schools, both chartered and nonchartered, to participate.

## TRANSFER OF PROPERTY

\*Requires the written consent of 75 percent of the affected property owners when a school district proposes on its own initiative to transfer five or more acres of its territory to an adjoining school district.

## TUITION PAYMENTS

\*Allows a school district that has entered into an agreement with one or more other districts for joint or cooperative operation of an educational program to charge fees or tuition to its resident students who participate in the program.

## DATA VERIFICATION

\*Permits the Department of Education to have access to student data verification codes to administer the Cleveland Scholarship Program and the Autism Scholarship Program, and to verify the accuracy of payments to county boards of mental retardation and developmental disabilities (county MR/DD boards) for special education services, but generally prohibits the Department from releasing the codes to any other party.

\*Specifies that documents held by the Department relative to the scholarship programs or county MR/DD board services that contain both a student's name or other personally identifiable information and the student's data verification code are not public records.

## CHARTER SCHOOLS

\*Grants an exception to the moratorium for certain startup community schools sponsored by a Big Eight school district in which the school is located to open an additional start-up school in that district

serving any of grades K to 5, under certain conditions.

\*Grants an exception to the prohibition for startup school location.

Allows a start-up community school to locate facilities in two separate school districts, under certain conditions.

\*Grants an exception regarding the location of community schools in multiple facilities. Permits a start-up community school to be located in multiple facilities and to assign students of the same grade to different facilities, under certain conditions.

\*Waives hours or days a community school was closed for certain calamities in the 2007-2008 school year, as long as the school provided at least 920 hours of learning opportunities to students.

\*Authorizes the governing authorities of two or more community schools to enter pooling agreements to jointly purchase goods and services, including health insurance for employees or liability insurance for the schools, or to provide student transportation.

\*Establishes a five-year demonstration project at three ISUS community schools in Dayton (Institutes of Construction Technology, Manufacturing, and Health Care), beginning in the 2008-2009 school year, to collect and analyze data regarding community schools that operate dropout prevention and recovery programs. The ODE must approve an independent evaluator for the project.

## EDUCATIONAL SERVICE CENTERS

\*Of the foregoing appropriation item 322-632, Autism Preschool Program, \$1,000,000 in fiscal year 2009 shall be provided to the Educational Service Center of Franklin County to administer the Autism Preschool Program established under section 3323.36 of the Revised Code. The Director of Mental Retardation and Developmental Disabilities and the Superintendent of the Educational Service Center of Franklin County shall enter into an agreement, which shall require the Superintendent, at the end of each grant period, to submit a report to the Director of Mental Retardation and Developmental Disabilities on the Autism Preschool Program detailing the use of the funds and outcomes of the program funded by the grant.

\*Permits an educational service center to sponsor a conversion

community school.

- \*Qualifies an educational service center (ESC) to receive per pupil state funds in fiscal year 2009 for services provided to a "city" or "exempted village" school district, under certain conditions.

- \*Permits a Science, Technology, Engineering, and Math (STEM) school to contract with an educational service center (ESC) or joint vocational school district for services.

- \*Allows an ESC that contracts with a STEM school to receive per-pupil state payments for certain services (in addition to fees paid by the STEM school), to the extent there are available funds remaining after the Department of Education has paid the ESCs for students enrolled in the school districts they serve, and the community schools they sponsor.

## HEAD START

- \*Clarifies a discrepancy in law regarding the obligation of a current Early Learning Initiative provider to repay by June 30, 2009 a start-up grant from the former Title IV-A Head Start or Head Start Plus program.

## CALAMITY DAYS

- \*Waives the requirement for a school district to make up days or hours a school was closed during the 2007-2008 school year because of flooding from a burst water pipe, under certain conditions.

## HIGHER EDUCATION

- \*Qualifies one more class of proprietary school students for Ohio College Opportunity Grants by extending eligibility to such students who first enroll in the 2008-2009 academic year.

- \*Qualifies certain nursing students for Ohio College Opportunity Grants.

- \*Transfers the Distance Learning Clearinghouse from the eTech Ohio Commission to the Chancellor of the Board of Regents; expands access to the clearinghouse; and authorizes the Chancellor to contract with another entity to operate the clearinghouse.

- \*Allows the Chancellor to restructure previously existing higher

education consortia.

**HB 428**, the bill sponsored by Rep. Arlene Setzer (R-Vandalia), legislation dealing with teacher misconduct has passed both the House and the Senate. The bill was modified to include many of the amendments education organizations requested. One of the major changes addresses background checks for private contractors. Under the bill, only contractors who are providing essential school services, as defined by the school's superintendent, and who are routinely interacting with or have regular responsibility for students, will be required to have background checks. An alternative to the background check requirement for these contractors would be to have a school employee in the room with the contractor.

This bill generally grants the State Board of Education, or its designee, more authority to revoke the licenses of teachers convicted of certain offenses; gives the Ohio Department of Education access to BCI information; and addresses issues regarding reporting educator misconduct, including penalties for not reporting or falsely reporting educator misconduct.

**HB 270**, sponsored by Rep. Michelle Schneider (R-Madeira), the bill affecting STRS rehire provisions will receive no further action until the fall session. The legislation would limit a board's authority to rehire a retired employee. The Ohio School Boards Association, along with the Buckeye Association of School Administrators and the Ohio Association of School Business Officials, testified in opposition to HB 270. Although the bill has been delayed for now, it might come up during the fall session starting in November.

**HB 503**, has been reported out of the House Health Committee, the bill makes changes to the general psychology licensure rules, and requires that all doctoral programs for the general psychology license be APA approved or NASP approved. The bill also requires that one-year of the

two -year requirement for internship hours be pre-doctoral. OSPA worked with the school psychologist doctoral training programs to assure that their graduates would continue to qualify for the general psychology licensure examination. At the request of OSPA the bill was amended to include NASP approval, as well as APA approval.

### *State Board of Psychology Update*

Ann Brennan attends State Board of Psychology meetings and Cheryl VanDenBerge administers the OSPA-MCE program for school psychologists licensed by the State Board of Psychology.

### *OSPA Professional Development Offerings*

The OSPA Professional Development Task Force has adopted a framework for all OSPA sponsored professional development. This framework, entitled “Building From the Blueprint” is based on NASP’s Blueprint for the Profession of School Psychology and focuses on two outcomes: 1) Improve Competencies for All Children; and 2) Build and Maintain the Capacities of Systems.

In addition to our spring and fall conferences OSPA also sponsors ethics workshops at both conferences and during the summer for those school psychologists who need the hours for State Board of Psychology licensure renewal.

### *Development of OSPA Sponsored Scholarship*

Under the leadership of Valorie Wolcutt-Mendelson an OSPA committee recently finalized plans for an OSPA sponsored scholarship for an Ohio student in an Ohio approved school psychology-training program. The first scholarship will be awarded later this year.

### *Networking with Related Organizations*

OSPA staff also network with many related organizations. Ann Brennan attends meetings of the IUC of School Psychology, the Ohio Supervisors of School Psychology (OSSP), and the Ohio Alliance of Pupil Service Organizations (OAPSO) and represents OSPA on the Ohio Coalition for the Education of Children with Disabilities (OCECD). Additionally, Ann, along with OSPA volunteers frequently collaborate with other education organizations such as the Ohio Education Association (OEA), the Ohio Federation of Teachers (OFT), the Ohio Association for Gifted Children (OAGC), the Ohio School Boards Association, and the various organizations representing school administrators.

### *OSPA OFFICE ASSISTANCE*

Cheryl VanDenBerge staffs the OSPA office on a daily basis. Her Business Manager duties are essential to the operations of the association. Cheryl works with the Conference chairs in the conference planning process, and handles all of the related event details. Additionally she administers the OSPA-MCE program, and works closely with the OSPA treasurer in coordinating the financial workings of the association. Cheryl administers the Executive Board and works with the OSPA President in planning the meetings. Although these are just some of her major duties, the list of what she does for OSPA would be to numerous to mention in this article.

OSPA will continue to work hard on behalf of our membership and those students they serve. We always welcome input and suggestions on how we can improve our services.

Submitted on August 29, 2008

