

To: State Board of Education Members

From: Ann Brennan, Executive Director, Ohio School Psychologists Association

Subject: Proposed rule revisions to OAC 3301-35-01 and 3301-35-05

Date: December 8, 2014

On behalf of the members of the Ohio School Psychologists Association I would like to express our concerns regarding the latest draft of proposed rule revisions to the draft rules. (OAC 3301-35-01 and 3301-35-05)

Our major concern or question is how the proposed revision to the ESP draft rules, which includes all related service providers, including school psychologists, will align with the Ohio Operating Standards for the Education of Students with Disabilities rules, which define these related services. The special education rules also direct school districts to consider factors related to the delivery of such services when making staffing decisions intended to insure IDEIA is adhered to and that students with disabilities educational and behavioral needs are met. It should also be noted that school psychologists' services are instructional as well as behavioral health related and as such should be listed in both sections of this proposed rule. School psychologists typically lead the evaluation team when determining if a student is eligible for special education services, which results in the establishment of an IEP, they assist the team in developing instructional interventions as well as behavioral health interventions.

We do not fully understand the ramifications of this proposal, and have not had sufficient time to thoroughly analyze, however, we would welcome assurances that this proposal will not have a future negative impact on the delivery of related services to students at risk of failure as well as students with disabilities, and that it will not diminish these services nor impact on the Ohio Operating Standards for Students With Disabilities.

OSPA does support the newly drafted accountability committee language regarding developing a method to report educational service personnel on the report card. We believe that this will be valuable data to review in the quest of improving instructional and behavioral health and general health outcomes for students.

Lastly, prior to this latest revision the OSPA legislative committee took a position to support the current "5 of 8" ESP rule, the committee has directed me to send the following, in the event the Board considers retaining the current rule:

On behalf of the members of the Ohio School Psychologists Association we would like to communicate our support for retaining the current "5 of 8"

educational service personnel rule in the Ohio Administrative Code 3301-35-05 (A) (4) it reads as follows:

4) A minimum of five full-time equivalent educational service personnel shall be employed district-wide for each one thousand students in the regular student population as defined in section [3317.023](#) of the Revised Code. Educational service personnel shall 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. Educational service personnel assigned to elementary art, music and physical education shall hold the special teaching certificate or multi-age license in the subject to which they are assigned. School districts receiving the school nurse wellness coordinator factor and school district health professional factor funds pursuant to section [3306.06](#) of the Revised Code shall give preference to hiring licensed school nurses.

OSPA supports retaining this important staffing requirement to assure that all students regardless of where they live have equal opportunities for a comprehensive art and music curriculum, as well as the services of such essential staff as school counselors, nurses and physical education teachers.

We encourage the State Board of Education to retain this important minimum standard, research informs us that students' academic performance is enhanced by a rich and diversified art and music curriculum as well as when they are physically fit and their behavioral health and health needs are better met.

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