

**Ohio Department of Education**  
**Performance Audit – Compilation of Public Comments from Interested Parties**

*(released on July 16, 2013)*

Ohio Revised Code (ORC) § 117.461 requires that state agencies accept comments regarding the performance audit from interested parties, and make the comments available to the public by the 21<sup>st</sup> day following the report release date.

The Auditor of State released the performance audit report to the Department of Education on July 1, 2013. Interested parties were able to submit comments through the Department's website through July 15, 2013.

A total of seven comments were received<sup>1</sup>. This document lists the performance audit report section, the audit recommendation, and the related comment received from the interested party.

**IT Governance and Investment Practices – Statewide Student Identifier System**

Recommendation 1.4: Current law prohibits ODE from knowing students' names. To accommodate this law, ODE maintains one database where students are represented only by numbers, called SSID, and contracts with a private company to run a second data warehouse that is identical, but for the inclusion of the names and identifying information of the students.

Response to Recommendation 1.4: The Ohio Education Association opposes the recommendation to increase the collection and tracking of personally identifiable information on students and educators as unjustified, given the lack of an education rationale strong enough to override the rights to privacy by students and their families. The best safeguard is a policy that prevents the recording of names and other personal information, so they are not available to hackers and other wrongdoers. Elsewhere, the report indicates that ODE lacks a consistent system for tracking student and educator data (insufficient emergency protocol that provides safeguards from "regional power outages, to virus outbreaks, to employee sabotage, to external data fraud, to states of emergency from weather or terrorist events"), and it is well documented that fighting hackers requires persistence. Additionally, counter to the beliefs of some policy makers, there is insufficient research evidence to justify a more intrusive statewide data tracking of students as a valid, reliable, cost-effective and productive path to statewide improvements in public education.

**Organizational Structure – Span of Control**

Recommendation 3.1: The Department should increase its span of control to a supervisor-to-staff ratio of 1:7 and reduce layers of management by eliminating 21 supervisory positions within a year.

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<sup>1</sup> Names of those who responded are included only in instances when the details were included in the comment field, or the option to contact the entity for further information was included in the comment field.

Response to Recommendation 3.1: The recommendation calls for 21 supervisory positions to be eliminated; however, the explanation above indicates that there are only eight (not 21) to eliminate to hit the target for span of control. Is that the correct interpretation?

## **Organizational Structure – Offices of Licensure and Professional Conduct**

Recommendation 3.2b: ODE, at their discretion and where possible, should stagger license dates to distribute workload more evenly throughout the year in lieu of the current single expiration date.

Ohio Education Association's Response to Recommendation 3.2b: Staggering the renewal dates would adversely affect both teachers and local school districts. Currently, if there is an issue with the renewal of a teacher's licensure, that issue can be resolved during the summer months before school begins. A teacher whose renewal date is during the school year cannot be paid, by statute, until he or she has a renewed license. There are occasions when the renewal of a teacher's license is delayed due to circumstances beyond his or her control, such as incorrect transcripts from educational institutions. This will cause problems for both teachers and local school districts, as administrators and treasurers will have to deal with these delays as well. Additionally, taking teachers out of the classroom while they wait for licensure delays to be resolved could interrupt student learning. If the basis for this recommendation is the elimination of overtime during the summer months, then the recommendation is unnecessary based on the conclusions in the report. The report states that the overtime costs, as well as efficiency and employee time concerns, will be addressed by moving the application process online and eliminating paper applications. Any theoretical savings will be offset by the additional staff time and inefficiency that will result from having to coordinate licensure issues with local school districts throughout the school year, including times when the licensure issues conflict with other reporting deadlines or testing periods that ODE must coordinate with local school districts. Thus, the Auditor's plan would cause licensure issues to affect the workloads of other ODE Departments depending upon the time of year. The staggered dates will not coordinate with the course offerings and completion dates for coursework that teachers are required to take to maintain their licensure. If ODE acts on this recommendation, there must be a grace period after the renewal period expires under which a teacher who has applied for renewal and anticipates receiving a renewal may continue to work and be paid. There is no indication in the report of whether other states in which teaching licenses expire on the holder's birth date have a grace period or would bar a teacher from being paid if he or she has an expired license, as Ohio statute does.

Response to Recommendation 3.2b: Our organization has concerns about the possibility of staggering the educator license renewal dates based on birthdates or some other methodology. Since districts (our members, specifically) need to verify that teachers' licenses are current before they can issue a paycheck, it will fall on them to deal with the added burden of tracking the different expiration dates throughout the year. Typically, this verification process takes place over the summer. It would seem to create more confusion for districts and, in turn, more possibilities for mistakes in the verification process if the expiration dates occur throughout the year. Also, currently, if a teacher fails to renew their license for some reason, it is not likely to affect the school year. Issues with expired licenses can be handled before the start of school. If such a change were to be undertaken, we hope there would be opportunities to work with the department to develop those changes. Perhaps a system could be put in place to help districts track the renewal dates. Thank you for the opportunity to provide input. Feel free to contact us

with questions about these comments. (*Submitted by the Ohio Association of School Business Officials*)

Response to Recommendation 3.2b: Having one, specific date is easy for everyone to remember and to work with. Imagine the number of expired licenses you'll have to deal with if another system is adopted. Will there be a grace period? Will there be an ODE-generated email reminder? Will ODE back-date to the birthday - which falls at all times of the year? Perhaps coming up with a system of providing more support during the heavy volume times is a better way to go.

Recommendation 3.2c: ODE's Office of Professional Conduct should transition from its current investigative model to a process under which attorneys and paralegals would perform the licensure investigative procedures.

Ohio Education Association's Response to Recommendation 3.2c: This recommendation is based on an unsubstantiated premise that attorneys would be more qualified and more efficient in conducting investigations than ODE's current investigators who are experienced and efficient. Some have investigative training and experience outside of their employment at ODE, such as in law enforcement. Most attorneys have little or no special training in conducting investigations. There is no reason to believe an attorney would be more efficient at seeking out and developing factual information, if that is the purpose of an investigation. Using attorneys as investigators may make the investigative process more time consuming. Teachers and their representatives may spend more time discussing legal arguments than the facts with attorney investigators, extending the investigation time. If attorney investigators delegate some of the investigation to paralegals, then the attorneys' time may be increased by having to review and redirect the paralegals' investigative efforts. Also, cutting the investigative staff in half will not make the process more efficient. If attorneys act as investigators, the attorneys will be spending far more than .5 hours on the non-discipline cases, because their role will no longer be limited to reviewing the results of trained investigators. There is no data in the Auditor's report indicating how long it takes the current investigators to conduct an investigation.

### **Contract Processing – Process Improvement**

Recommendation 4.1: An ODE Kaizen team, facilitated by OPT, designed recommendations to increase efficiency of contract processing....

Response to Recommendation 4.1: We should look into offering optional furlough days to staff- this could be a benefit to new employees, ones just back on leave, ones with children, etc. and could save money.