

**STATE BOARD OF EDUCATION OF OHIO
MINUTES – OPERATING STANDARDS COMMITTEE**

October 7, 2013

Ohio Department of Education
25 South Front Street
Columbus, Ohio 43215

OPERATING STANDARDS COMMITTEE (OSC)

Committee Members:

Ron Rudduck – Chair
Darryl Mehaffie – Vice Chair
Stephanie Dodd
Bryan Williams
Debe Terhar
Sarah Fowler
Mike Collins
Kathleen McGervey

Staff:

Kevin Duff
Sharon Jennings
Deborah Smothers

The Board's Operating Standards Committee met beginning at 2:45 p.m.

Chair Rudduck called the roll.

ALL MEMBERS AND STAFF PRESENT

Kevin Duff:

Reviewed the timeline and the goal(s) of the OSC. The goal(s) includes 1 – 2 committee meetings between now and the November State Board meeting. The current rules will have notations and be reviewed next week. Kevin suggests to not file the rules individually, but wait until all rules have been addressed, then file together to ensure cohesiveness. The goal for rule completion is next school year which is stated as ambitious. Therefore the committee may have the need to meet during the July retreat.

Chair Rudduck:

Requested more details of the sequence and the purpose/thoughts behind the rules.

Kevin Duff:

Stated that the CSI component will add more consideration and time to the development of the rules, specifically which rules to do and when. The rules that involve the CSI will need to be done first (Rules 3301-35-4, 5, and 6) as they have a bigger impact of student/teacher/program focus.

Sharon Jennings:

Gave the example of Ohio Adm. Code 3301-35-1 as a rule that contains definitions used in all other rules; not really a place you can start. Sharon continued into the Power Point presentation outlining the various steps in the rule process. In this case, the committee involvement is beginning at an earlier point in time. Once we have the initial rule draft, the next step is the CSI review, which does not apply to all the rules, just some. Rules that affect traditional public school districts need not go through the CSI review. However, rules that affect chartered non-public schools do need CSI review, and many of the rules as they are currently drafted to apply to the nonpublic schools. CSI review involves drafting a business impact statement and going through a process of stakeholder input and review by the Common Sense Initiative office. After CSI review is complete, then the rules go to the State Board of Education for a Resolution of Intent to Adopt. This starts the formal process for the State Board of Education. The State Board can set the effective date of its rules as long as it is at least 90 days after the filing.

More on CSI: The trigger is rules that have an adverse impact on business, defined as anything that causes a business spends funds to comply (obtain a license; file a report, etc...). "Business" does not include a traditional public school, however, it does include chartered nonpublic schools.

Mrs. Tehar:

Inquired why traditional districts are exempt and wouldn't we want to know if something is going to would impact it monetarily?

Sharon Jennings:

Explained that other parts of the JCARR process addresses that piece. One of the forms we file addresses the fiscal effects of the rules on school districts. CSI is triggered by the definition of business, which does not include local government entities such as school districts.

Mr. Collins:

Asked for clarification of CSI process pertaining to public schools and chartered nonpublic schools: More special activity occurs with chartered nonpublic?

Sharon Jennings:

Verified that there is an additional step in the process and explained the process. Whenever you have a rule that affects a private business, the agency must go through the CSI process. CSI is an additional stakeholder input process. A form is completed and posted publicly, for a 30 day comment period. The CSI office reviews the rules, the justification the agency provided, and comments received. The office then makes a recommendation regarding the rules, and the agency has a chance to respond. All of that becomes part of the materials that go on to JCARR. The legislature, in enacting this initiative, wanted to be sure that agencies were considerate of the impact on private businesses. The SBOE considers the effect of rules on public school districts, and that is an important part of the rule-making process, but does not trigger CSI.

Mr. Collins:

Asked if when the Operating Standards were reviewed previously, was that piece (CSI) there, if it applies to all agencies in the administration? He also stated concerns about the actual applicability of this process to ODE SBOE given its unique governing body. Mr. Collins pointed out the numerous JCARR rules where we do not do the same as other departments, so why do we have to here?

Sharon Jennings:

Verified that the CSI process applies to all agencies, including ODE. She also stated that there have been other ODE rules that have gone through this process (transportation rules).

After the CSI process, Sharon reviewed the JCARR process, additional information included:

JCARR looks at the legality of the rules, not the policy itself. Rules must comply with the statutory authority to promulgate them. In this case that is 3301.07(D), as amended by HB 59. Additional consideration: SBOE has enacted many other administrative rules which are already on point with certain subjects to be covered in the operating standards, for example, there is a separate chapter for Operating Standards for Students with Disabilities. The Board also cannot contradict a statute or create a conflict; statutes always govern over the rules.

End of PowerPoint presentation

Mr. Rudduck:

Referenced agenda, purpose, vision & goal of committee and what we want the OS to look like. How to shape/mold the operating standards because it will be another 5 years before it will be reviewed again.

Thoughts/discussions on process from SBOE and ODE experts.

Rudduck would like to see rules streamlined, simplified, less duplicity.

Mrs. Tehar:

Referenced the sequence/how are we going to do these rules: CSI first? How prioritized for the other ones? Importance/magnitude?

Kevin Duff:

Confirmed CSI rules first, then the consideration of order will be on how much work it will be to review each rule. For example, Rules 2 and 3 will go faster than Rules 4, 5, and 6 which have a lot of substance in them.

Mr. Smith:

Had been going through the rules and found numerous rules duplicate in process or the intent has changed over time. He wishes to provide flexibility to the school districts by reducing the number of rules, increase the flexibility for school districts which will in turn lessen burden for the districts.

Mr. Rudduck:

Confirmed Kevin Duff as primary contact until further notice. He asked all to take the time to review the OS. Mr. Rudduck shared his experience at a Ross/Pike Co. Supt. meeting. He stated this is a great opportunity for the districts to have some input and that we are looking forward increasing the flexibility of the districts to do things that work; Looking at the output of the districts is your business, and we will support you.

Mr. Rudduck then asked for clarification of the law pertaining to what we can/cannot do.

Sharon Jennings:

Explained rule cannot conflict with the law and referenced the documents in the binder. The SBOE does not have the ability to change the Revised Code.

Senator Lehner:

Noted that the State Board can identify legislation that it proposes to change.

Mr. Rudduck:

Spoke of unnecessary reporting requirements imposed on schools; Instead of ODE/SBOE doing things TO schools, what can we do FOR schools. Requested clarification of what portions of the rules are in the Revised Code and what are not.

Kevin Duff:

See Tab 5 for Chart.

Mr. Smith:

Is there a way Superintendents can provide input? Is there a component for that piece? How do we go through that process?

Mr. Rudduck:

Part of Kevin Duff's job is to identify stakeholders. Not just Superintendents, but all stakeholders. This is a very important part of how all schools operate.

Mrs. Dodd:

Can we take the binders?

Kevin Duff:

Yes. Take them home, take notes, and bring them back. We will provide information that will be 3-hole punched.

Mr. Rudduck:

Stated the Binders were good management and a good organization tool. Began discussion of scheduling future meetings.

Mrs. Tehar:

Not on a Monday.

Ms. Fowler:

Requests meeting in p.m., not a.m.

Mr. Rudduck:

Suggests Monday afternoons, okay?

Mrs. Tehar:

Yes. Not Saturday or Sunday!

Mr. Rudduck:

Thursday is not good; we will schedule around that right away. We'll look out a couple weeks, week and a half.

Homework: Requested OSC to review standards and will get the next meeting date out to everyone.

Thank you. Anything else for the good of the order?

Motion to adjourn

Ms. McGervey:

So moved

Ms. Terhar:

Second.

All in favor: –

Aye!

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