

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Department of Higher Education

Regulation/Package Title: Standards and processes for consideration of educator preparation programs of study.

Rule Number(s): 3333-1-05

Date: 11/1/2017

Rule Type:

- New
 Amended

- 5-Year Review
 Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

Please include the key provisions of the regulation as well as any proposed amendments.

As required by Ohio law, the rule details the requirements and processes for institutions of higher education seeking Chancellor approval to provide programs leading to Ohio educator licensure or endorsement. The provisions include the following requirements: programs are nationally recognized by an accrediting agency recognized by the United States Department of Education; programs must demonstrate that their graduates effectively serve P-12 students in Ohio; programs must include all curricular elements defined by the Chancellor and by Ohio revised and administrative code; faculty credentials, coursework, assessments, and experiences must meet Chancellor and other Ohio requirements.

The Chancellor may approve experimental or innovative programs upon satisfactory demonstration of need for the same.

The Chancellor shall designate programs as effective, at risk of low performing, or low performing. The Chancellor shall approve educator preparation programs for a maximum of seven years.

Educator preparation programs must submit data to the Chancellor annually for public reporting of program performance.

The Chancellor may require fees to provide for the review of educator license and endorsement preparation programs at institutions as defined by section 1713.01 of the Ohio Revised Code.

The Chancellor shall adopt rules that require education preparation programs approved under section 3333.048 of the Revised Code to include instruction in opioid and other substance abuse prevention.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

3333.048, 3333.0414

3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

No.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

Ohio law (ORC 3333.048 and ORC 3333.0414) requires the Chancellor to adopt rules.

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

There needs to be regulation in this area because it is required by Ohio law, and also because it provides institutions seeking to offer educator preparation programs of study with the information necessary to successfully obtain authorization from the Chancellor to offer such programs. Additionally, it ensures that higher education students receive education appropriate for their career goals and that educators are qualified to teach Ohio's P-12 students. This rule also ensures that educator preparation programs include instruction in opioid and other substance abuse prevention.

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

The agency will measure the regulation's success through evaluation of the effectiveness of educators prepared by institutions of higher education, as required by Ohio Revised Code 3333.048, which provides for the inspection of institutions of higher education desiring to prepare educators and other school personnel. Effectiveness is determined by candidate pass rate on state licensure exams, impact of program graduates on P-12 student learning, and persistence in the profession.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

This rule is consistent with the Ohio Department of Higher Education manual titled "Guidelines and Procedures for Academic Program Review" which was vetted by stakeholders and was also posted to the ODHE website for public comment prior to adoption by the Chancellor.

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

This rule, and the companion *Guidelines and Procedures for Academic Program Review*", were constructed based on feedback from the representative associations and ongoing feedback we have received from campuses of our review and approval processes. Based on those comments, we have streamlined the approval processes (restructured and simplified proposals; clarified/updated standards). There were multiple iterations of this rule and of the *Guidelines and Procedures for Academic Program Review*" manual before it was adopted by the Chancellor based on stakeholder feedback.

9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

Research on the characteristics of effective educator preparations as it relates to the effectiveness of program graduates in teaching P-12 students informed the development of the regulations. The body of research on program design supports the proposed regulation.

10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

11. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.*

There are multiple performance-based aspects to the regulation, as required by Ohio Revised Code 3333.048.

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

Ohio Revised Code 3333.048 establishes the Chancellor as the sole authority to approve programs leading to Ohio educator licensure and endorsement.

13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

The agency's Academic Quality Assurance section within its Academic Affairs division will review educator preparation programs, engaging external content consultants as needed, and make recommendations to the Chancellor for determinations on each program. The agency has also added the opioid compliance to the review and approval of educator preparation programs.

The institutions are also required to gain national accreditation prior to offering these programs, so there is consistency and predictability in that we follow the national accreditor's process.

Adverse Impact to Business

- 14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**
- a. Identify the scope of the impacted business community;** This rule impacts institutions of higher education that seek to offer education preparation programs (this includes non-profit and for-profit private institutions)
 - b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance);** employer time for compliance **and**
 - c. Quantify the expected adverse impact from the regulation.**
The impact can be as low as 10 hours per year and as high as 200 hours per year, depending on how many preparation programs the institution chooses to offer, how many programs are up for review in a given year, and how much needs to be accomplished in order to be compliant with ORC 3333.0414.
- 15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?** The regulatory intent justifies the adverse impact because of the importance of assuring that new educators are adequately prepared to meet the needs of Ohio's P-12 students.

Regulatory Flexibility

- 16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? No. Please explain.** The standards align with the national accreditation requirements and are necessarily the same regardless of the size of the institution seeking approval to assure that all educators are effectively prepared to teach pre-school through high school students in Ohio.
- 17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?** This rule does not impose administrative fines or civil penalties
- 18. What resources are available to assist small businesses with compliance of the regulation?** There are not specific resources available to small businesses, but the ODHE is available to answer questions and assist in a reasonable manner.