OHIO’S NEW CERTIFICATION RULES

STEPHEN P. POSTALAKIS
BLAUGRUND, HERBERT, KESSLER, MILLER, MYERS & POSTALAKIS, INCORPORATED
300 WEST WILSON BRIDGE ROAD, SUITE 100
WORTHINGTON, OHIO 43085
(614) 923-3112
SPP@BHMLAW.COM

OHIO ASSOCIATION OF COUNTY BOARDS
SERVING PEOPLE WITH
DEVELOPMENTAL DISABILITIES
2013 SPRING CONFERENCE
Background

- Public hearing on the proposed rules held on May 21, 2013.
- Rules intended to go into effect on or about July 1, 2013:
  - Adult Services: OAC 5123:2-5-01
  - SSA: OAC 5123:2-5-02
  - Superintendent: OAC 5123:2-5-03
  - Denial, Suspension, and Revocation of Registration and Certification: OAC 5123:2-5-04
  - EI: OAC 5123:2-5-05
  - IA: OAC 5123:2-5-07
Adult Services

- Two levels:
  - Adult Service Worker
    - Initial Period of five (5) years
      - Must have a mentor in the first year
      - On the job training specific to each individual
      - Training required within first 90 days and first year
    - Subsequent periods of five (5) years
  - Adult Service Supervisor
    - Initial Period of five (5) years
    - Subsequent periods of five (5) years
SSAs

Two levels:
- SSA
  - Initial Period of five (5) years
    - If only associate’s degree, must be a conditional status SSA and supervised by SSA supervisor
  - Subsequent periods of five (5) years
- SSA Supervisor
  - Initial Period of five (5) years
    - Bachelor’s/graduate degree and at least four years of full-time (or equivalent part-time), supervised, paid work experience in programs/services for individuals with DD
  - Subsequent periods of five (5) years
Superintendents

Two alternatives for initial certification:

- Term of 3 years to applicant who meets the following:
  - Applicant has an offer of employment, as evidenced by a resolution adopted by the employing county board;
  - Applicant shall hold a master's degree, a doctorate degree, or a juris doctorate degree from an accredited college or university; and
  - Applicant shall have completed five years full-time, supervised, paid work experience in administration, supervision, instruction, or habilitation of individuals with developmental disabilities, including three years in a management or supervisory capacity.
Superintendents

- Term of 5 years to applicant who meets the following:
  - Applicant shall hold a master's degree, a doctorate degree, or a juris doctorate degree from an accredited college or university;
  - Applicant shall have completed 5 years full-time, supervised, paid work experience in administration, supervision, instruction, or habilitation of individuals with DD, including 3 years in a management or supervisory capacity; and
  - Applicant shall have successfully completed an advanced curriculum for administrators in Ohio's developmental disabilities service delivery system.
Superintendents

- Either initial certificate can be initially renewed for 5 years provided appropriate training is completed.
- Subsequent renewals can be issued for 5 years provided applicant successfully completed 120 hours of continuing professional education.
Superintendents

- Applicant who held valid temporary grade option one superintendent certification and who submits an application to Department prior to expiration of the temporary grade option one superintendent certification, shall be afforded no less than 3 years from the expiration date of the temporary grade option one superintendent certification to either complete the requirements for provisional grade option one superintendent certification in accordance with existing rule OAC 5123:2-5-03 or complete the advanced curriculum.
Superintendents

- Applicant who held valid provisional grade superintendent certification and who submits an application to Department prior to expiration of the provisional grade superintendent certification, may receive renewal superintendent certification provided the applicant has successfully completed 120 hours of continuing professional education subsequent to the effective date of the provisional grade superintendent certification.
Superintendents

- Applicant who held valid professional grade superintendent certification and who submits an application to Department prior to expiration of the professional grade superintendent certification, may receive renewal superintendent certification provided the applicant has successfully completed 240 hours of continuing professional education subsequent to the effective date of the professional grade superintendent certification.
Superintendents

- **Renewal:**
  - Applicant who held provisional grade superintendent certification that has expired for less than one year may receive renewal superintendent certification provided he/she has successfully completed 120 hours of continuing professional education subsequent to the effective date of the provisional grade superintendent certification.
  - Applicant who held professional grade superintendent certification that has expired for less than one year may receive renewal superintendent certification provided he/she has successfully completed 240 hours of continuing professional education subsequent to the effective date of the professional grade superintendent certification.
Superintendents

Renewal:

- Applicant who held superintendent certification issued subsequent to the effective date of the rule that has expired for less than one year may receive renewal superintendent certification provided he/she has successfully completed 120 hours of continuing professional education subsequent to the effective date of the superintendent certification.

- Applicant who held superintendent certification that has been expired for one year or more shall be required to meet the standards for initial superintendent certification.
Two Levels:
- EI Specialist
- EI Supervisor
EI Specialist

- **One year certification**
  - Employed by/under contract with Board.
  - Bachelor's degree or graduate-level degree in education, health, social or behavioral science, social services, human services, or other related field;
  - Bachelor's degree or graduate-level degree in an unrelated field and has at least two years of full-time (or equivalent part-time), supervised, paid experience working with children birth through age five with disabilities, developmental delays, or diagnosed physical or mental conditions that have a high probability of resulting in a developmental delay and their families; or
  - Holds a valid license in counseling; early childhood education for ages three through eight, grades kindergarten through third, or special education; hearing impairment intervention; medicine; nursing; occupational therapy; physical therapy; psychology; psychiatry; social work; speech-language pathology; or visual impairment intervention.
EI Specialist

- 5-year certification
  - Bachelor's/graduate-level degree in education, health, social or behavioral science, social services, human services, or other related field;
  - Bachelor's/graduate-level degree in an unrelated field and at least two years of full-time (or equivalent part-time), supervised, paid experience; **or**
  - Valid license; **and**
  - Successfully completed one college course or seminar in each of the following areas:
    - Infant/toddler growth and development;
    - Disabilities and risk factors from birth;
    - Family dynamics from birth;
    - Assessment and evaluation;
    - Team models and community collaboration; and
    - Intervention program planning and development
EI Supervisor

- 5-year certification
  - Meets requirements for 5-year EI Specialist certification
  - Successfully completed college courses in at least two of the following areas:
    - Business, health care, public, or social agency administration;
    - Communication and public relations;
    - Human resources management;
    - Information technology management;
    - Negotiation, conflict resolution, and mediation;
    - Organizational theory and development;
    - Principles of leadership/supervision; or
    - Strategic planning, management, and implementation
EI Supervisor

- 5-year certification
  - Has either:
    - At least 4 years of full-time (or equivalent part-time), supervised, paid experience working with children birth through age five with disabilities, developmental delays, or diagnosed physical or mental conditions that have a high probability of resulting in a developmental delay and their families; or
    - At least 2 years of full-time (or equivalent part-time), supervised, paid experience working with children birth through age five with disabilities, developmental delays, or diagnosed physical or mental conditions that have a high probability of resulting in a developmental delay and their families and at least 2 years of full-time (or equivalent part-time) supervised, paid experience in a management or supervisory role.
EI Supervisor

- 5-year certification can be renewed for additional 5-year periods if:
  - Successfully completed 75 hours of continuing professional education and worked for at least 4,000 hours supervising early intervention service providers, directly providing early intervention services through individual family service plans, or developing early intervention services policy and/or instructional materials; or
  - Successfully completed 120 hours of continuing professional education.
EI Supervisor

- Employed on or before December 4, 1992 as an early intervention supervisor for less than .5 full-time equivalent is not required to hold early intervention supervisor certification.

- Employed after December 4, 1992 as an early intervention supervisor for less than .5 full-time equivalent shall possess:
  - Early intervention supervisor certification; or
  - A currently valid Ohio Department of Education provisional certificate in supervision with validation in early education of the handicapped or special education for children with disabilities; or
  - A master's degree in a related field from an accredited college or university and at least 5 years, two of which are within the last five years, of full-time (or equivalent part-time), supervised, paid experience working with children birth through age five with disabilities, developmental delays, or diagnosed physical or mental conditions that have a high probability of resulting in a developmental delay and their families.
EI Renewals

- Substitute grade or temporary grade early intervention specialist level certification shall be eligible for one-year early intervention specialist certification:
  - One-year renewal if complete at least one college course/seminar;
  - 5-year renewal upon completion of all college courses/seminars.
- Provisional grade or professional grade early intervention specialist level certification shall be eligible for 5-year early intervention specialist certification.
- Temporary grade early intervention supervisor level certification shall be eligible for one-year special transitional early intervention supervisor certification:
  - 1-year renewal if completed at least one college course/seminar;
  - 5-year renewal if completed all or certain college courses/seminars.
- Provisional grade or professional grade early intervention supervisor level certification shall be eligible for 5-year early intervention supervisor certification.
Investigative Agent

- Two levels:
  - Conducts investigations for one or more county boards for 1,040 or more hours per calendar year (i.e., at least .5 full-time equivalent) shall hold level one investigative agent certification;
    - 5-year period
  - Conducts investigations for one or more county boards on a part-time, interim, or intermittent basis for less than 1,040 hours per calendar year may hold level two investigative agent certification.
    - 2-year period
Investigative Agent

- Level One:
  - Bachelor's degree or graduate-level degree; or
  - Associate's degree or have achieved at least junior year standing and have successfully completed two years full-time (or part-time equivalent), supervised, paid work experience in conducting administrative, civil, and/or criminal investigations; or
Investigative Agent

- **Level One:**
  - Associate's degree or have achieved at least junior year standing **and** have successfully completed two years full-time (or part-time equivalent), supervised, paid work experience in administration, supervision, instruction, or habilitation of individuals with DD; or
  - Successfully completed Ohio peace officer basic training/comparable program **and** have successfully completed 2 years full-time (or part-time equivalent), supervised, paid work experience in conducting administrative, civil, and/or criminal investigations; or
  - Successfully completed 4 years full-time (or part-time equivalent), supervised, paid work experience in conducting administrative, civil, and/or criminal investigations.
Investigative Agent

- **Level Two:**
  - Associate's degree or have achieved at least junior year standing; or
  - Successfully completed Ohio peace officer basic training/comparable program; or
  - Successfully completed 2 years full-time (or part-time equivalent), supervised, paid work experience in conducting administrative, civil, and/or criminal investigations.
  - Be employed by or under contract with a county board or a regional council of governments formed by two or more county boards to conduct.
Investigative Agent

- Temporary grade and provisional grade certifications issued prior to July 23, 2012 shall remain in effect until their assigned expiration dates.
  - No additional temporary grade or provisional grade investigative agent certifications shall be issued on or after July 23, 2012.
- Valid temporary grade or provisional grade investigative agent certification on July 23, 2012 shall be eligible for level one investigative agent certification provided successful completion of Department-approved training in civil and criminal investigatory practices.
Professional grade investigative agent certifications issued prior to July 23, 2012 shall remain in effect until their assigned expiration dates.

Valid professional grade investigative agent certification on July 23, 2012 shall be permitted to renew the professional grade investigative agent certification provided he or she has completed 100 hours of continuing professional education, of which at least 20 hours shall be related to conducting administrative, civil, and/or criminal investigations.
Investigative Agent Renewals

- Level one and level two certifications expired for less than one year may be renewed upon completion of all renewal requirements.
- Level one and level two certifications expired for one or more years may be renewed upon completion of all renewal requirements of the expired certification and completion of 15 additional hours of continuing professional education.
- Expired temporary grade, provisional grade, and professional grade certifications issued prior to July 23, 2012 may not be renewed.
Applicable to all certifications issued by Boards

- **Reciprocity:**
  - A superintendent shall accept as valid certification issued in accordance with a rule by the superintendent of another county board.
  - A superintendent shall accept as valid continuing professional education approved by the department or the superintendent of another county board in accordance with a rule.
Applicable to all certifications issued by Boards

- **Existing certification:**
  - Substitute grade, temporary grade, provisional grade, and professional grade certifications issued prior to the effective date of this rule shall remain in effect until their assigned expiration dates.
    - No additional shall be issued after effective date of rule.
  - Not compelled to meet the requirements set forth in the rule provided the employee applies for the certification prior to expiration.
    - Renewals must comply with rule.
Applicable to all certifications issued by Boards

- **Renewal:**
  - Certifications issued on or after the effective date of a rule which have been expired for less than one year may be renewed upon completion of all renewal requirements of the expired certification.
  - Certifications issued on or after the effective date of a rule which have been expired for one year or more shall not be renewed.
    - Applicant shall be required to meet the rule’s requirements
Denial, Suspension, Revocation

- Applies to applicants for and holders of adult services, early intervention, and service and support administration registration and certification.
- Superintendent shall deny, suspend, or revoke a registration or certification if he or she finds, pursuant to an adjudication, that the applicant for or holder of the registration or certification has engaged in an immoral act, incompetence, negligence, or conduct that is unbecoming to the position.
- Superintendent shall deny or revoke a registration or certification if he or she finds, pursuant to an adjudication, that the applicant for or holder of the registration or certification has been included in a database or convicted of or plead guilty to a disqualifying offense and the applicable exclusion period has not expired unless the requirements of OAC 5123:2-2-02(F) have been met (pardon, certificate of employment, etc).
- Applicant/employee has to disclose sealed convictions.
Denial, Suspension, Revocation

- **Adjudication process established in the rule:**
  - 30-day limit for requesting hearing
  - Right to an attorney
  - Right to examine/cross-examine
  - Failure to request hearing results in denial, suspension, revocation
  - Appointment of hearing examiner (need not be an attorney)
  - At least 15 days prior to the date set for the hearing if requested by either party, parties shall exchange witness lists and lists of exhibits to be introduced.
  - Superintendent can issue subpoena
  - Superintendent must provide for a complete stenographic record of the proceedings and provide copy, upon request, at no cost.
Denial, Suspension, Revocation

- Adjudication process established in the rule:
  - Hearing Examiner shall issue a R & R within 10 calendar days of the hearing
  - Within 10 days or receipt of the R & R, applicant/holder may file written objections with Superintendent.
  - Superintendent shall issue a decision and serve upon the applicant/holder and his/her attorney. The superintendent's decision is final.