

As Introduced

**129th General Assembly
Regular Session
2011-2012**

S. B. No. 353

Senator Schaffer

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A BILL

To enact section 3323.21 of the Revised Code to 1
require the Department of Education to solicit 2
from school districts and educational service 3
centers regular studies of the time spent by 4
occupational and physical therapists on certain 5
activities and to use the studies to determine 6
appropriate workloads. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3323.21 of the Revised Code be 8
enacted to read as follows: 9

Sec. 3323.21. (A) As used in this section, "related services 10
provider" means an occupational therapist or physical therapist. 11

(B)(1) Not later than June 30, 2013, and by the thirtieth day 12
of June every five years thereafter, the department of education 13
shall solicit from the boards of education of each city, exempted 14
village, and local school district and the governing board of each 15
educational service center a study of the average amount of time 16
each type of related services provider employed or contracted by 17
the board spent on each of the following activities over two 18
separate two-week periods, one of which shall have concluded prior 19
to the thirty-first day of January and the other of which shall 20
have concluded prior to the thirty-first day of May: 21

<u>(a) Child evaluations, including screenings, observations,</u>	22
<u>diagnostic testing, and other assessments;</u>	23
<u>(b) IEP development;</u>	24
<u>(c) Development and review of plans of care;</u>	25
<u>(d) Provision of related services to children with</u>	26
<u>disabilities, including consultations and counseling regarding</u>	27
<u>appropriate intervention services and direct provision of those</u>	28
<u>services;</u>	29
<u>(e) Provision of transition services;</u>	30
<u>(f) Documentation of child evaluations and services,</u>	31
<u>including compliance with documentation requirements related to</u>	32
<u>receiving reimbursement for services from the medicaid program</u>	33
<u>authorized by Chapter 5111. of the Revised Code;</u>	34
<u>(g) IEP team meetings;</u>	35
<u>(h) Collaboration and coordination with IEP team members or</u>	36
<u>other district or service center staff;</u>	37
<u>(i) Advocacy to ensure that IEPs and legal requirements</u>	38
<u>regarding the education of children with disabilities are being</u>	39
<u>met;</u>	40
<u>(j) Conducting training sessions for parents or district or</u>	41
<u>service center staff;</u>	42
<u>(k) Planning and designing the provider's work;</u>	43
<u>(l) Travel between school buildings or other sites for the</u>	44
<u>purpose of carrying out the provider's job responsibilities;</u>	45
<u>(m) Planning and development of districtwide initiatives to</u>	46
<u>identify at-risk children;</u>	47
<u>(n) Management of employees under the provider's supervision,</u>	48
<u>including occupational therapy assistants and physical therapist</u>	49
<u>assistants;</u>	50

<u>(o) Professional development.</u>	51
<u>(2) Each study shall include the following additional information:</u>	52 53
<u>(a) The number of school buildings or other sites served by each related services provider employed or contracted by the district or service center board and the travel time between those buildings or sites;</u>	54 55 56 57
<u>(b) Whether the district or service center uses any occupational therapy assistants, physical therapist assistants, or similar licensed personnel to assist related services providers and, if so, the average amount of time spent by those personnel on each of the activities listed in division (B)(1) of this section over the two separate two-week periods covered by the study;</u>	58 59 60 61 62 63
<u>(c) A description of other personnel and programs available within the district or service center that could be used to assist or otherwise support related services providers in their work;</u>	64 65 66
<u>(d) Any other information requested by the department.</u>	67
<u>(C) Upon receipt of the studies solicited on or before June 30, 2013, the department shall do both of the following:</u>	68 69
<u>(1) Classify each of the activities listed in division (B)(1) of this section into one of the following categories:</u>	70 71
<u>(a) Direct provision of services to children with disabilities;</u>	72 73
<u>(b) Activities related to the development of educational programming for children with disabilities;</u>	74 75
<u>(c) Activities related to supporting nondisabled children receiving a general education curriculum;</u>	76 77
<u>(d) Activities necessary to comply with federal or state legal requirements that are not otherwise classified in divisions (C)(1)(a) to (c) of this section.</u>	78 79 80

(2) Based on the data contained in the studies, develop a formula to determine, for each type of related services provider, an appropriate ratio of children with disabilities per provider that enables the provider to fulfill the provider's job responsibilities in each of the categories described in division (C)(1) of this section and to meet the needs of the children with disabilities in the provider's workload, without exceeding the number of minutes comprising the provider's full-time work schedule. 81
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(D) Whenever subsequent studies are solicited under division (B)(1) of this section, the department shall consider, based on the data contained in the studies, whether the formula developed under division (C)(2) of this section produces an appropriate ratio of children with disabilities per related services provider. If the department determines that the formula does not produce an appropriate ratio of children with disabilities per provider, the department shall adjust the formula as needed to attain a more appropriate workload. 90
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(E) The department shall review each study solicited under division (B)(1) of this section. Following each review, the department shall report to the district or service center board that submitted a study the percentage of time spent by the related services providers employed or contracted by the board on each of the categories of activities described in division (C)(1) of this section during the four weeks covered by the study. The department also shall submit to the district or service center board directions for aligning the current workload for each type of related services provider employed or contracted by the board with the workload size determined appropriate for that type of provider. The department shall compile the information required by this division into a report, which shall be submitted to the state board of education within ninety days after the information has 99
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been provided to school districts and educational service centers. 113

(F) Each district and service center board shall implement 114

the department's directions submitted to the board under division 115

(E) of this section. 116