

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5123-10-05

Rule Type: New

Rule Title/Tagline: Early intervention program - developmental specialist certification.

Agency Name: Department of Developmental Disabilities

Division:

Address: 30 East Broad Street, 12th Floor Columbus OH 43215-3414

Contact: Becky Phillips **Phone:** 614-644-7393

Email: becky.phillips@dodd.ohio.gov

I. Rule Summary

1. Is this a five year rule review? No
 - A. What is the rule's five year review date?
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 5123.04, 5123.0421, 5126.25
5. What statute(s) does the rule implement or amplify? 5123.04, 5123.0421, 5123.081, 5126.25
6. What are the reasons for proposing the rule?

The Department is rescinding rule 5123:2-5-05 (Early Intervention Services Certification Standards) and adopting replacement rule 5123-10-05 (Early Intervention Program - Developmental Specialist Certification).
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule establishes minimum qualifications through certification standards for persons employed as Developmental Specialists and sets forth the path for persons

holding Early Intervention Supervisor certification to receive Developmental Specialist certification.

- 8. Does the rule incorporate material by reference? Yes**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

The incorporated references are to the Individuals with Disabilities Education Act (IDEA), the Code of Federal Regulations, the United States Code, the Revised Code, and the Administrative Code. Pursuant to Section 121.75 of the Revised Code, the requirements in Sections 121.71 to 121.74 do not apply. IDEA, the Code of Federal Regulations, the United States Code, the Revised Code, and the Administrative Code are available at libraries and on the internet. The Department's administrative rules are available at dodd.ohio.gov.

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

PARAGRAPH (C)(1)(b) REVISED FROM:

Track II - For a person who holds valid one-year developmental specialist certification issued in accordance with rule 5123:2-5-05 of the Administrative Code in effect immediately prior to the effective date of rule but does not meet the requirements for one-year developmental specialist certification set forth in paragraph (C)(1)(a) of this rule or a person who receives an offer of employment or becomes employed in the position of developmental specialist on or after the effective date of this rule.

TO:

Track II - For a person who holds valid one-year developmental specialist certification issued in accordance with rule 5123:2-5-05 of the Administrative Code in effect immediately prior to the effective date of this rule but does not meet the requirements for one-year developmental specialist certification set forth in paragraph (C)(1)(a) of this rule or a person who receives an offer of employment or becomes employed in the position of developmental specialist on or after the effective date of this rule.

PARAGRAPH (C)(2)(b)(ii)(a) REVISED FROM:

Successfully completed fifty hours of professional development and been engaged for at least four thousand hours in developmental specialist duties through individual individualized family service plans or developing early intervention services policy and/or instructional materials during the period of the preceding developmental specialist certification; or

TO:

Successfully completed fifty hours of professional development and been engaged for at least four thousand hours in developmental specialist duties through individualized family service plans or developing early intervention services policy and/or instructional materials during the period of the preceding developmental specialist certification; or

PARAGRAPH (C)(2)(c)(i)(a) REVISED FROM:

Successfully completed fifty hours of professional development and been engaged for at least four thousand hours in developmental specialist duties through individualized family service plans or developing early intervention services policy and/or instructional materials during the period of the preceding developmental specialist certification; or

TO:

Successfully completed fifty hours of professional development and been engaged for at least four thousand hours in developmental specialist duties through individualized family service plans or developing early intervention services policy and/or instructional materials during the period of the preceding developmental specialist certification; or

II. Fiscal Analysis

11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.

This will have no impact on revenues or expenditures.

\$ 0

Rescinding rule 5123:2-5-05 and adopting replacement rule 5123-10-05 will neither increase nor decrease revenues or expenditures of the Department.

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

The rule requires persons employed as Developmental Specialists to hold certification. There is no fee for certification, however obtaining and maintaining certification requires successful completion of college courses or seminars, training, and professional development. The costs associated with completing college courses or seminars required for initial five-year certification vary. Department-approved seminars are a less costly alternative to college courses and are available for as little as \$50 each. Persons holding certification are required to complete web-based training and complete professional development; while training and professional development

are available free of charge, completing training and professional development requires an investment of time.

The rule includes a new requirement for an employer of Developmental Specialists to provide Evidence-Based Practice Coaching to newly employed Developmental Specialists who do not yet qualify for five-year certification. The employer may incur costs associated with arranging for qualified Evidence-Based Practice Coaches.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

III. Common Sense Initiative (CSI) Questions

16. **Was this rule filed with the Common Sense Initiative Office? Yes**
17. **Does this rule have an adverse impact on business? Yes**
 - A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

The rule requires persons employed as Developmental Specialists to hold certification.
 - B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes**

Paragraph (G) sets forth that the Director of the Department may:

-deny, suspend, or revoke certification if the applicant for or holder of certification has engaged in an immoral act, incompetence, negligence, or conduct unbecoming and

- deny or revoke certification if the applicant for or holder of certification has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of a disqualifying offense.

- C. **Does this rule require specific expenditures or the report of information as a condition of compliance?** Yes

There is a cost associated with completing college courses or seminars required for initial five-year certification. Department-approved seminars are a less costly alternative to college courses and are available for as little as \$50 each. An applicant seeking certification must submit information and supporting documents.

- D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies?** No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. **Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95?** No

- A. **How many new regulatory restrictions do you propose adding?**

Not Applicable

- B. **How many existing regulatory restrictions do you propose removing?**

Not Applicable

Early Intervention Program Proposed Changes to Developmental Specialist Certification

The Ohio Department of Developmental Disabilities is pleased to share proposed new rule 5123-10-05 (Early Intervention Program - Developmental Specialist Certification). Rule 5123-10-05 will replace rule [5123:2-5-05](#) (Early Intervention Services Certification Standards) and reflects the yearlong collaborative input of diverse stakeholders that included representatives from the Ohio Association of County Boards Serving People with Developmental Disabilities, county board administrators, practicing developmental specialists, families of children with disabilities, higher education, and others. The Department is proposing changes to both support the delivery of high-quality special instruction consistent with best practices while also maintaining the flexibility to hire persons with diverse backgrounds as developmental specialists.

As always, our goal in the certification of Early Intervention (EI) service providers is to work collaboratively with EI system partners to ensure that families receive services from providers with the necessary skills and training to support families and positively impact children's developmental trajectories. Through that lens, we invite your review of this rule and welcome your feedback through the clearance process. To assist your review of the proposed rule, we have summarized some of the key changes from the existing rule:

Paragraph (A)

We revised the purpose statement to include only developmental specialists and clarified that a valid certification is required to provide services in this role.

Paragraph (B)

We revised or added definitions to provide greater clarity about the certification:

- Addition of scope of work for the developmental specialist in (B)(4).
- Addition of professional development requirements, including ten developmental specialist orientation modules in (B)(5). These are required for all developmental specialists to obtain initial one-year or five-year certification. Each module is web-based and self-paced and takes approximately one hour to complete.
- Addition of definitions related to requirements for evidence-based practice coaching for developmental specialists who qualify for the one-year certification in (B)(10), (B)(11), and (B)(12).
- Addition of reference to newly developed principles of special instruction training specific to the role of the developmental specialist in (B)(13).
- Revision of the definition of professional development in (B)(14) to align more closely with the scope of work and increase flexibility.

Paragraph (C)

The rule maintains two certification levels: one-year and five-year. The one-year certification is aimed at those who lack the required educational requirements for obtaining the five-year certification and allows Ohio's EI system to balance the need for flexibility in hiring with the skills needed to provide high-quality EI services. The rule contains expanded opportunities for obtaining the five-year credential for candidates with certain educational or professional backgrounds.

One-year certification

This certification includes two tracks. Track 1 is for those who hold one-year certification under the existing rule as of the effective date of the proposed rule. Track 2 is for those who are newly hired on or after the effective date of the proposed rule. The proposed rule shortens from five years to two years the time for Track 2 candidates to complete required coursework. The proposed rule also includes a new requirement of 12 months of evidence-based coaching for Track 2 candidates.

The Department will ensure that all candidates for the one-year certification have access to an evidence-based coach. The rule also allows some portion of an evidence-based coach's time spent coaching to count toward ongoing professional development requirements for the five-year certification. The coaching agreement (form EI-19) is part of this rule package, and we invite your feedback about the form.

Five-year certification

This certification includes three tracks. Track 1 is for those who hold five-year or ten-year certification under the existing rule as of the effective date of the proposed rule. Track 2 mirrors the educational and experience requirements of the existing rule for the current five-year certification with the addition of the ten self-paced developmental specialist orientation modules described in paragraph (B)(5). Finally, under Track 3, the Department can more easily provide a five-year developmental specialist certification to those who have been certified by another state's EI system to provide special instruction.

EI supervisor credential

The EI supervisor credential has been eliminated in the proposed rule. An EI supervisor credential is beyond the scope of this rule that credentials one particular member of the EI system. The Department does not, by eliminating this credential, suggest that there is no need for supervision of developmental specialists. However, the Department believes that employers of developmental specialists are best positioned to craft the appropriate supervision structures for this position within their organizations. Holders of existing EI supervisor credentials will be transitioned to five-year developmental specialist certification under the proposed rule.

The Department will have revised developmental specialist certification application forms and guidance documents and training available prior to implementation of the new rule (projected for July 2021).