

**State Board of Education  
Operating Standards Committee**

Meeting Minutes  
March 25, 2014

**Committee Members Present:**

Ron Rudduck – Chair  
Darryl Mehaffie  
Stephanie Dodd  
Sarah Fowler  
Debe Terhar

**ODE Staff Present:**

John Richard  
Sandra Hay  
Sharon Jennings  
Amber Schneider

**CALL TO ORDER & MINUTES**

Mr. Rudduck called the meeting to order at 11:07 AM.

**FINAL DISCUSSION OF OAC 3301-35-04**

Mr. Rudduck asked the Committee if they needed to further discuss OAC 3301-35-04. There being no further discussion, the Committee agreed by consensus to recommend to the Full Board that OAC 3301-35-04 be adopted as revised.

**DISCUSSION OF OAC 3301-35-05**

Dr. Richard reminded the Committee that their purpose was to streamline the Operating Standards Rules and provide supplemental resources on the website. He also noted that some comments had been sent via email regarding OAC 3301-35-05 (Rule 5). Most of the comments came from librarians and were similar to the views expressed in the previous month from representatives of the Ohio Educational Library Media Association (OLEMA). Ms. Hay agreed that she would send the comments to Committee members via email.

Ms. Hay reviewed each section of the Rule using the summary document. The Committee discussed each section as needed. A summary of discussion/changes is below:

OAC 3301-35-05(A)(1)

Ms. Terhar suggested that this portion be amended to read: “Credentialed and classified staff shall be assigned, evaluated and provided professional development in accordance with state and federal laws.” Ms. Dodd suggested keeping the current language stating concern that chartered nonpublic (private) schools would not have to comply with state and federal anti-discrimination laws. The Committee asked legal counsel, Sharon Jennings, for input. Ms. Jennings noted that she would have to review each state and federal law to determine which ones applied to private schools. She suggested that an alternative would be to put the anti-discrimination piece in Rule 12 (OAC 3301-35-12), which outlines requirements for private schools. She noted that this would allow stakeholders time to respond.

Ms. Fowler questioned the Board’s authority to put an additional requirement on a private entity. Ms. Jennings noted that any new requirement on a private school would have to go through the Common Sense Initiative. Several members of the committee expressed concern with requiring religious schools not to discriminate based on religion. Ms. Dodd noted that Rule 12 makes an exception for this circumstance. ODE staff noted other regulations/requirements that prevent private schools from discriminating.

Ms. Terhar moved to modify the language to read “Credentialed and classified staff shall be assigned, evaluated and provided professional development in accordance with state and federal laws.” Mr. Mehaffie seconded. After some discussion, Ms. Terhar withdrew her motion and Mr. Mehaffie withdrew

his second. Ms. Dodd asked for more information on these practices before agreeing to remove the anti-discrimination piece from Rule 5 or moving it to Rule 12.

Ms. Dodd requested that if the anti-discrimination language stays in rule it be amended to include sexual orientation in the list of items against which schools may not discriminate when hiring. She noted that this was in line with an Executive Order of the Governor that applies to employment for the State. The House and Senate were both considering similar measures. She also stated that she believed the Board had the authority to make this change, comparing it to Ohio Administrative Code related to restraint and seclusion.

Ms. Terhar stated that she hesitated to agree to this change because she questioned the Board's authority to enforce it. Mr. Mehaffie expressed concern with taking action when related legislation was pending in the General Assembly. Ms. Fowler asked if sexual orientation was asked about during the hiring process. Ms. Dodd replied that it was not. Mr. Rudduck stated that he believed that a district could still be sued if it discriminated based on sexual orientation even if the rule did not include this language. Ms. Dodd agreed to table discussion of this matter until stakeholders could speak on the topic.

The Committee agreed that in the interest of time, at future meetings, they would impose a time limit on stakeholder input and that they could hear input during Public Participation in front of the Full Board.

OAC 3301-35-05(A)(2)

Mr. Rudduck asked ODE to recommend a definition for *Full Time Equivalent Teacher (FTE)* and *Regular Student Population*.

OAC 3301-35-05(A)(3)

Dr. Richard noted that this portion of the rule has existed since 1967 and has since been repealed in Ohio Revised Code. Ms. Terhar suggested that all of this language be removed. Ms. Dodd asked for more information on the repealed language before making a final decision.

OAC 3301-35-05(A)(4)

The Committee agreed by consensus to remove "and every school with fifteen or more full-time equivalent classroom teachers shall be assigned the services of a full-time principal. No principal shall be assigned to more than two schools." The Rule now will read: "Every school shall be provided the services of a principal." Committee members agreed this will give districts greater flexibility.

OAC 3301-35-05(A)(8)

Ms. Terhar suggested that this rule helps define an FTE. Committee members noted that often a bargaining unit contract specifies planning time for teachers. Ms. Fowler asked why the rule was needed if it is covered by the contracts. Mr. Rudduck noted that not all school districts have a union. Ms. Hay also noted that private schools do not have unions.

**ADJOURNMENT**

Ms. Fowler moved to adjourn, Ms. Terhar seconded. With all members voting AYE, the meeting adjourned.