

**Minutes of the February 2014 Meeting of the State Board of Education of Ohio**

**STATE BOARD OF EDUCATION OF OHIO  
MINUTES**

February 2014  
Ohio Department of Education  
25 South Front Street  
Columbus, Ohio 43215

**MEMBERS OF THE STATE BOARD OF EDUCATION**

Deborah Cain	Michael Collins
Stephanie Dodd	Tess Elshoff
Joe Farmer	Sarah Fowler
Thomas Gunlock	Ann Jacobs
C. Todd Jones	Kathleen McGervey
Darryl D. Mehaffie	Mary Rose Oakar
Ron Rudduck	Mark Smith
Debe Terhar	Rebecca Vazquez-Skillings

**EX OFFICIO MEMBERS**

Senator Peggy Lehner	Representative Gerald Stebelton
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**SECRETARY**

Dr. Richard A. Ross  
Superintendent of Public Instruction

Mrs. Cain, Ms. Jacobs and Mr. Mehaffie were absent from the meeting.

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The State Board convened on Monday, February 10, at the Ohio Department of Education in Columbus.

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**Chapter 119 Hearing**

February 10, 2014  
8:30 a.m.

Hearing Regarding the Amending, Rescinding and Adoption of Rules

The amending of Rule 3301-20-01 of the Administrative Code entitled *Employment of individuals in positions that require a license and licensure of individuals with certain criminal convictions or other alternative dispositions*; the amending of Rules 3301-44-01 to 3301-44-09 of the Administrative Code regarding *Post-secondary enrollment options*; and the amending of Rule 3301-69-03 of the Administrative Code entitled *Medicaid school component administrative costs*; the amending of Rules 3301-73-02 to -06, -08 to -17, and -19 to -26 of the Administrative Code regarding *Professional conduct*; and the adoption of Rule 3301-73-27 of the Administrative Code entitled *Time limits and computation of time*.

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### MEMBERS PRESENT

Sarah Fowler  
Kathleen McGervey

Thomas Gunlock  
Debe Terhar

President Terhar stated the Board would proceed with the public hearing on the following rule actions: The amending of Rule 3301-20-01 of the Administrative Code entitled *Employment of individuals in positions that require a license and licensure of individuals with certain criminal convictions or other alternative dispositions*; the amending of Rules 3301-44-01 to 3301-44-09 of the Administrative Code regarding *Post-secondary enrollment options*; and the amending of Rule 3301-69-03 of the Administrative Code entitled *Medicaid school component administrative costs*; the amending of Rules 3301-73-02 to -06, -08 to -17, and -19 to -26 of the Administrative Code regarding *Professional conduct*; and the adoption of Rule 3301-73-27 of the Administrative Code entitled *Time limits and computation of time*.

The President called on Holly Welch from the Attorney General's office, and legal representative of the department. Ms. Welch called on P.R. Casey, Chief Legal Counsel for the Ohio Department of Education.

Mr. Casey presented the following Board Exhibits:

Board Exhibit 1 is the public notice that appears in the Register of Ohio and references the proposed rule actions subject to this hearing;

Board Exhibits 2 through 4 would be true and accurate copies of the resolutions adopted by the State Board of Education declaring its intent to amend and to adopt the rules subject to this public hearing;

Board Exhibit 5 would be a true and accurate copy of the rules subject to this public hearing that were originally filed with the Joint Committee on Agency Rule Review (JCARR), Legislative Service Commission (LSC), and the Secretary of State on January 7, 2014.

Mr. Casey explained the rules had been made available to all persons affected by the rules.

President Terhar stated that testimony would be received, either orally or in writing, for or against, the amendment of the rules that are under consideration. Anyone who wished to testify must complete the registration sheet. All testimony would be limited to no more than five minutes. If additional time is needed, consideration would be given to a reasonable extension. Any written testimony would be marked as Group Exhibit 6.

President Terhar announced that the Board would now receive testimony on the proposed amending of Rule 3301-20-01 of the Administrative Code, Rules 3301-73-02 to -06, -08 to -17, and -19 to -26 of the Administrative Code, and the adoption of Rule 3301-73-27 of the Administrative Code regarding the area of professional conduct.

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**PUBLIC TESTIMONY ON THE PROPOSED AMENDING OF RULE 3301-20-01 OF THE ADMINISTRATIVE CODE, RULES 3301-73-02 TO -06, -08 TO -17, AND -19 TO -26 OF THE ADMINISTRATIVE CODE, AND THE ADOPTION OF RULE 3301-73-27 OF THE ADMINISTRATIVE CODE REGARDING THE AREA OF PROFESSIONAL CONDUCT.**

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There were no requests.

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President Terhar announced that the Board would now receive testimony on the proposed amending of Rule 3301-69-03 of the Administrative Code entitled *Medicaid school component administrative costs*.

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**PUBLIC TESTIMONY ON THE PROPOSED AMENDING OF RULE 3301-69-03 OF THE ADMINISTRATIVE CODE ENTITLED *MEDICAID SCHOOL COMPONENT ADMINISTRATIVE COSTS*.**

There were no requests.

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President Terhar called on Ms. Welch, who submitted into evidence State Board Exhibits 1 through 5.

The President stated that the exhibits were so received. As there was no more testimony, she declared the public hearing closed at 8:35 a.m.

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The Board's Executive Committee met beginning at 8:45 a.m.

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The Board's Operating Standards Committee met beginning at 9:15 a.m.

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The Board's Achievement, Capacity and Committee on Urban and Rural Renewal met beginning at 10:15 a.m.

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**Columbus City Schools Waiver Discussion:**

**Columbus City Schools Waiver Request for Limited Selective Admissions**

Highlights from the presentation:

**Background:**

Columbus City Schools operated a Selective Admissions pilot program that provided students with specific aptitudes the opportunity to apply to five schools that offer specialized programs.

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Several of these schools have won accolades throughout the years as being part of America's Best High Schools.

During the 2012-2013 school year, a Gifted Task Force convened to evaluate the processes and services available for students who are gifted within Columbus City Schools. The team was comprised of parents, classroom teachers, gifted specialists, building and district administrators. The task force recommended a rubric based criteria providing the basis for which a student may be selected for admission. Once it came to the attention of the Office of Accountability of the need to obtain State Board approval to use academic and/or artistic ability as a criteria for selective admission, the district swiftly pursued a waiver from the requirements of 3313.97 per the process set forth in 3313.982.

### **District Board Approval:**

On December 17, 2013, the Columbus City School Board of Education adopted a resolution supporting the use of a limited selective admissions policy and directed the filing of a waiver request with the State Board of Education in order to be in compliance with 3313.92 of the Ohio Revised Code. This waiver requests permission from the State Board of Education to allow Columbus City Schools to use up to 20% selective admissions for the incoming class at five schools.

### **Columbus City School District (CCS) Proposal:**

Of the 114 schools currently operated by Columbus City Schools, this waiver would allow five schools to have limited selective admissions. This represents less than five percent of all schools in the District. Those schools are: Columbus Alternative HS, Eastmoor Academy, Fort Hayes Arts & Academic HS, Arts Impact MS and Duxberry Park ES.

### **CCS Proposal – “the plan will generally promote increased educational opportunities for students”**

Allowing a limited selective admissions based upon artistic and/or academic ability represents a posture of inclusion of those students who meet the rigorous criteria as well as any student and family who selects one of these schools as a school choice option through the lottery. An example of some of our young success stories from our graduates at these schools are: Danielle Hairston studying Nursing in North Carolina, Leslie Turner who wanted to be a Doctor ever since she was a little girl. Leslie is now at Duke on a full scholarship pursuing her dream, Yusuf Mkangara, a national merit scholar, who is a first generation college student attending Harvard on a full ride to study bio-engineering from Columbus Alternative HS., Candice Milner who received a \$400,000 scholarship to Georgetown to study law, India Adams who is currently at Spelman College pursuing her dream of becoming a cardiologist. Current examples include talented musician, Senior Xavier River who attends Fort Hayes and is auditioning for the Manhattan School of Music, University of Denver, Berkeley and several other Music Schools in the country and Sophomore Sydney Arterbridge who made it all the way to Hollywood from Fort Hayes as an outstanding vocalist.

### **CCS Proposal – “will not unduly restrict opportunities for some students”**

The Columbus City School waiver proposal will not unduly restrict opportunities for students. The only manner by which a student may attend these schools is through the lottery process; no students are displaced from their neighborhood schools as these five schools are strictly lottery schools. Therefore, a limited selective admissions process would not displace students from their neighborhood schools as none of these schools have a geographical catchment area.

Furthermore, the District will allow only up to twenty percent of the available seats to be set aside for selective admission purposes. By allowing for a limited selective admissions process, students well suited for the programs offered by these schools will have greater access to the school of their choice making them less likely to leave the District. The purpose for allowing a

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limited selective admissions to these schools based upon academic and artistic ability is to represent a posture of inclusion of identified gifted and talented students and those students who meet the rigorous academic criteria as well as any student or family who selects one of these schools as a school choice option through the lottery.

With such a small percentage of available seats to be eligible for selective admissions at less than five percent of the District's schools, such a waiver would not unduly restrict opportunities for students.

### **Increase in Graduation Rates and Ohio Graduation Test (OGT) Scores:**

A recent research study by Dr. Milt Ruffin, Fort Hayes Principal, has shown that students enrolled in urban arts magnet schools in Ohio have a higher on-time graduation rate and score higher on the OGT in all content areas. Duxberry Park Elementary School, Arts Impact Middle School, and Fort Hayes Arts and Academic High School are designed to serve students who have a passion for the arts and appreciate and benefit from the integration of the arts into their academic program. This unique focus is designed for a unique student.

There are many students in the Columbus City Schools who have been identified as artistically "gifted and talented" and who have a demonstrated and committed passion for the arts, yet they are unable to access the programming because their name is not selected in a random process. Through a limited selective enrollment process, these schools would have the ability to become a more viable option for the students who seek art, which would align with the arts-integrated focus and mission of the schools.

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The State Board recessed for lunch.

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### **Third Grade Reading Guarantee (TGRG) Presentation**

Highlights from the presentation:

#### **Overview:**

Senate Bill 21 provided further guidance around the third-grade guarantee which ultimately insures that students are receiving the early intervention and support necessary to be prepared and read at grade level as they exit their third-grade experience.

#### **Key Components around the Third-Grade Guarantee:**

- Early Diagnosis- Assessment
- Early Intervention and Support
- Qualified Teachers
- Promotion and Retention

Foundations for Reading: Phonological Awareness- involves the detection and manipulation of sounds at three levels of sound structure: (1) syllables, (2) onsets and rimes, and (3) phonemes. Awareness of these sounds is demonstrated through a variety of tasks (see below). Although the tasks vary, they share the basic requirement that some operation (e.g., identifying, comparing, separating, combining, generating) be performed on the sounds. It is assumed that the individual performing these tasks must have awareness of the units of sound in order to perform the operation. - , Phonics (sound- letter relationship), Fluency, Vocabulary, and Comprehension.

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### **TGRG Support:**

- Internal Staff and Workgroup
- TGRG SWAT Team
- External Workgroup

### **Department Resources:**

- Video
- Webinar
- Website
- RIMP Template
- Teacher Resources
- Parent Roadmap

### **Early Literacy and Reading Readiness Grant:**

- Competitive Grant
- May 1, 2013- June 30, 2014
- Supports early literacy, reading instruction and intervention.

### **District Presentations:**

#### **Mechanicsburg Exempted Village Schools:**

##### Introduction:

District Team: Daniel Kaffenbarger, Superintendent, Danielle Prohaska, Assistant Superintendent, Cathryn Petticrew, Building Principal and Nichole Fillman, 3<sup>rd</sup> Grade Teacher.

#### **District Background:**

- Rural district with approx. 880 students K-12
- The district has 3 teachers/staff that meet 3RG requirements
- 13% of 3rd Grade Students in jeopardy of retention for 2013.2014
- 26% of students “not on track” this school year K-3rd grade
  - includes those that received a 392 on the Fall OAA
- Reading passage rate has increased from 70.5% in 2008 to 95.5% in 2013

#### **District Financial Impact on Best Practices:**

- Loss of instructional time
- Loss of release time
- More duties assigned to instructional staff
- Less time for intervention staff
- Reduced time for collaboration and professional development
- District is thinking creatively and collaboratively to fund and provide time for professional development.

#### **Setting the Stage for Success:**

##### **District’s Improvement Process has supported implementation of the 3RG**

- Data analysis
- Goals setting, implementation and monitoring
- Framework for teaming (DLT, BLTs, TBTs)

#### **Instructional Strategic Plan:**

- Sets district expectations for Systems and Structures that support best practices
- Longer instructional blocks - Reading and Math
- No New Instruction periods daily
- Formative assessment practices - including flexible grouping to meet students’ needs

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### **Third Grade Reading Grant Recipient:**

- Collaborative effort between 8 area districts
  - LLI Training - Leveled Literacy Intervention at OSU to accelerate reading progress through scripted lessons
  - Monthly PD sessions
  - Collaborative online support and data analysis
- Focus on instructional practices for small group instruction/intervention
  - Text introductions
  - Understanding text characteristics
  - Scaffolding readers using powerful and explicit language
  - Noticing and using reader strategies for instruction

### **Success in Reading:**

#### **Supporting Students & Teachers under the 3rd Grade Reading Guarantee**

- **Instructional Strategies that Work**
  - Reading Workshop Framework
    - Mini-lessons on reading strategies
    - Independent reading & writing w/conferencing
    - Small group instruction for all students
    - Students not on track provided additional reading group
    - Flexible grouping based on needs
    - Frequent formative & summative assessments used to guide instructional decisions
- **Structures that support our work**
  - NNI period built daily into the master schedule
  - Common scheduling within the grade level
  - Inclusion model for supporting SWD
- **Resources that support our work**
  - Leveled book room
  - Well-stocked classroom libraries
  - LLI training for HQT & instructional practices for at-risk students
  - In-district Professional Development Opportunities
- **Meeting the Requirements of 3RG**
  - Assignment of HQT to work with Students identified as not on track and at-risk of retention under 3RG
  - Aligning our intervention assistance team process to meet requirements of 3RG
  - Record of Intervention Sheet vs. RIMP

### **Reading at the Ground Level:**

- **Reading instruction for students not on track**
  - Students typically receive a minimum of 70 minutes of small group reading instruction daily from a combination of reading workshop groups, LLI, and NNI (no new instruction period)
  - LLI is the instructional piece that is new this year
  - Double reading groups and NNI had been put into place previously
- **Records of intervention**
  - Strengths: easily shared among teachers, consistent format across building, monthly review of goals and data

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- Challenges: sharing of goals with student and parents
- **Communication with parents**
  - District letter mailed to parents for students not on track is the only new piece of communication
  - Pieces already in place prior to 3RG are parent phone calls/emails and curriculum night

### Parent Communication for Third-Grade Reading Guarantee:

- Building Newsletters
- District Postings
- Monthly Board of Education Updates
- Teacher Newsletters
- Parent Curriculum Night
  - Elementary has hosted 3 sessions related to 3RG
  - Parents participated in reading simulations related to reading expectations for 3rd grade proficiency

### Other Considerations:

#### Challenges

- Credentialing of teachers alone doesn't ensure application in the classroom. Systems and structures for implementation and monitoring must be in place. At times credentialing is just an extra hoop.
- Communicating with families will continue to be a priority in light of more rigorous standards and assessments
- Scheduling - creating an extra layer of intervention for students and preserving teacher time for classroom instruction for all student is a challenge.
- Continuing to monitor and label students as "not on track" after receiving a passing score on the Fall OAA. It would be helpful to delay labeling of students at 3rd grade until after the fall administration. Prevents confusion for families as well.
- Ensuring that there are systematic changes to support best practices rather than making good teaching a "requirement" of the 3RG.

### District Presentations:

#### Cleveland Heights-University Heights (CH-UH) School District:

##### CH-UH Vision & Mission

- RIGOR-We will prepare all students for college and life by providing a challenging curriculum
- RELEVANCE that connects students' lives and their future
- RELATIONSHIPS in a safe, supportive, and nurturing environment

Process of collecting data, looking at student work, determining instruction, monitoring progress, collecting data.

Only district in Cuyahoga County and only 1 of 8 in the state to receive all A's in 4 value-added areas.

### Teacher Credentialing:

- Third grade: ensure any student that's "not on track" has a teacher who meets one of the credentialing requirements
- 33% of our 3<sup>rd</sup> grade classroom teachers currently meet the requirements of the TGRG
- Provided list of accredited programs and costs for teachers

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- Praxis test information shared with teachers
- Provided endorsement classes at Notre Dame College at discounted rate (subsidized by TeachOhio Grant)

### Where we have been:

- Strategic Planning
- Materials
- Assessments
- Instruction

### Literacy Plan:

#### Structure

- Minimum of 135 minute literacy block for students in grades K-3
- Addressed student-teacher ratio
- Performance Grouping
- Professional Development and preparation
- Staggered Start
- Resource allocation
  - Staffing decisions
  - Literacy leads
  - Intervention support - LLI

### Curriculum and Instruction:

- Comprehensive Literacy Framework (handout)
- Performance Grouping
- Intervention Support
- Ohio's New Learning Standards
- Scope and sequence
- Standards-Based Report Card

### Assessment of Students' Skills:

#### How did we determine if a student was "on track" or "not on track?"

- Use composite score from DIBELS subtest for K-3 by September 30
- Reading diagnostics (grades 1-2) administered in November (ODE)
- Other assessments:
  - Running records
  - Guided reading level benchmarking (F & P)
  - Progress monitoring using DIBELS

### After Assessment:

- Move students into groups based on student performance
- Parent notification sent out (handout)
- Create RIMP's for "not on track" K-3 students
  - Sample RIMP (handout)
  - Supported by Literacy Leads and Central Office administrators
  - Provided us with information about student interventions over time
  - Working on a warehouse for storing intervention information to track students

### Early Literacy and Reading Readiness Grant:

- \$20,000 from ODE
- 2 elementary schools
  - Offered to "not on track" 2<sup>nd</sup> graders
  - Community partnership with Great Lakes Science Center

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- November-March
- Weekly lunch sessions
- Program aligns to Ohio New Learning standards in science and ELA and aligns to classroom objectives
- Experiments and writing components

### Summer Programming:

- Offer programming to 3<sup>rd</sup> grade students who haven't met 392 threshold (currently approximately 164 students out of 414 or 40%)
- Camp Jumpstart for incoming 1<sup>st</sup> Graders
- BAGG (Books-A-Go-Go) for all families

### Parent and Community Communication and Testimonials:

- Website (handouts)
- Letters
- Newsletters
- Surveys
- Staggered Start Survey link for feedback
- Curriculum nights
- TGRG Information nights (school-based)
- Student Testimonial
- Parent Testimonial

### Challenges:

- Assessing students prior to school year starting
- Tracking interventions electronically
- Finding properly licensed teachers
- Staffing implications for retained students
- Timing of OAA test results as they relate to summer programming
- Making choices with limited funds

### District Presentations:

#### Lancaster City Schools:

Lancaster City Schools Early Literacy Program - Building a Community to Increase Literacy  
Third Grade Guarantee:

*According to a study by Early Education for All, we can expect a return to society of more than \$17 for every tax dollar invested in a high quality early education program*

#### Lancaster City Schools – Demographics:

- Community Factors Below State Average by 15% +
  - Adults with Bachelor's Degree, Income Levels, Homeownership
  - 56.2% Free & Reduced Lunch
- Reading Performance (3<sup>rd</sup> Grade OAA)
  - 2010-11 – 85.7%, 2011-12 – 84.4%, 2012-13 – 85.4%
- Challenges
  - Student Transiency – 62% of students under 392 are transient
  - Parent Involvement

#### Early Literacy Grant:

- Strengthen Community Partnerships
  - Lancaster City Schools
  - West After School Center

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- Fairfield County Library
  - Ohio University- Lancaster
  - United Way
  - Lancaster Rotary
  - Robert K. Fox – Family Y
  - Fairfield Association for the Education of Young Children
  - Head Start
  - Maywood Mission: Sheltering Arms Day Care
  - Community Pre Schools
- The grant focus has been on four main components:
    - Increase student achievement,
    - Impact teachers in the classrooms
    - Strengthen our partnerships with local community agencies
    - Provide a stronger connection between home and school.

### **Early Literacy Program - Impact on Student Achievement:**

- Instruction
  - Daily instruction (240 minutes of extended learning opportunities) focused on students identified target areas
  - Direct Instruction, Lexia and Leveled Literacy Interventions
- Resources
  - Summer Academy / Summer Bridges
- Data Analysis
  - STAR and Lexia – quarterly and progress monitoring
- Title I Coordination
  - Teaching Staff and Educational Assistants focused on target groups as part of the district RTI process – ongoing teacher collaboration and flexible groups

### **Professional Development - Impact on Staff and Building Capacity:**

- After School Programs / Training
  - Systematic
  - Data Driven
- Job Embedded
  - Daily use of resources
  - Orton Gillingham Focus
  - Five Core Areas
  - Classroom Follow Up
- RTI Coordination

### **Teacher Perspective:**

Impact on student learning (Extended Day Program)

- Building Capacity (Professional Development)
  - Teacher Collaboration
- Individual Connections with Students

### **Parent Perspective:**

- Student Impact
  - Why it works
    - Case Studies
- Parent Communication

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The Board took a brief recess.

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President Terhar convened the Business Meeting of the State Board of Education on Monday, February 10, at 3 p.m.

President Terhar asked the Recording Secretary to call the roll.

### MEMBERS PRESENT

Michael Collins	Stephanie Dodd
Tess Elshoff	Joe Farmer
Sarah Fowler	Thomas Gunlock
C. Todd Jones	Kathleen McGervey
Mary Rose Oakar	Ron Rudduck
Mark Smith	Debe Terhar
Rebecca Vazquez-Skillings	

### EX OFFICIO MEMBERS

Senator Peggy Lehner	Representative Gerald Stebelton
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### MEMBERS ABSENT

Deborah Cain	Ann Jacobs
Darryl D. Mehaffie	

NOTE: Mr. Collins and Mr. Jones entered the room after roll call.

President Terhar called on Vice President Gunlock, who Moved that that the State Board of Education go into Executive Session pursuant to Ohio Revised Code Section 121.22(G)(1) to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or official; that the State Board of Education go into Executive Session pursuant to Ohio Revised Code Section 121.22(G)(1) to consider the investigation of charges or complaints against a public employee, official, licensee, or regulated individual; that the State Board of Education go into Executive Session pursuant to Ohio Revised Code Section 121.22(G)(3) for the purpose of conferring with legal counsel about matters that are the subject of pending or imminent court action.

Mr. Rudduck Seconded the motion.

The President called for a roll call vote.

### YES VOTES

Michael Collins	Stephanie Dodd
Tess Elshoff	Joe Farmer
Sarah Fowler	Thomas Gunlock
C. Todd Jones	Kathleen McGervey
Mary Rose Oakar	Ron Rudduck
Mark Smith	Debe Terhar
Rebecca Vazquez-Skillings	

Motion carried.

The Board went into Executive Session at 3 p.m.

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The Board recessed from Executive Session at 4 p.m.

President Terhar recessed the State Board Business meeting at 4 p.m.

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President Terhar recessed the Board meeting at 4 p.m.

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Following the Board meeting, the State Board's Legislative and Budget Committee met.

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President Terhar reconvened the meeting of the State Board of Education on Tuesday, February 11, at 8 a.m.

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The Board's Accountability Committee met beginning at 8 a.m.

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President Terhar reconvened the Business meeting of the State Board of Education on Tuesday, February 11, at 10 a.m.

President Terhar asked the Recording Secretary to call the roll.

**MEMBERS PRESENT**

Michael Collins	Stephanie Dodd
Tess Elshoff	Joe Farmer
Sarah Fowler	Thomas Gunlock
C. Todd Jones	Kathleen McGervey
Mary Rose Oakar	Ron Rudduck
Mark Smith	Debe Terhar
Rebecca Vazquez-Skillings	

**EX OFFICIO MEMBERS**

Senator Peggy Lehner	Representative Gerald Stebelton
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**MEMBERS ABSENT**

Deborah Cain	Ann Jacobs
Darryl D. Mehaffie	

NOTE: Mr. Collins entered the room after roll call.

President Terhar welcomed Mrs. Rebecca Vazquez-Skillings to the State Board.

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The President called on Dr. Mark Smith, who welcomed Board members and guests, and led the Board in the Pledge of Allegiance.

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President Terhar called for the approval of the Minutes of the January 2014 meeting. She asked if there were any corrections to the Minutes.

There were no corrections.

It was Moved by Mr. Collins and Seconded by Mrs. Elshoff that the Minutes be approved as presented. The President called for a voice vote.

Motion carried unanimously.

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President Terhar called on Superintendent Ross for his report.

Superintendent Ross provided Board members with updates on the following topics:

- Third Grade Reading Guarantee (TGRG)
- Calamity Days, Blizzard Bags and Testing Window Recommendation for the OAA
- Columbus Metropolitan Club Speaking Engagement
- Spring BASA Conference
- Start Talking program at Upper Arlington and Perrysburg Ohio?
- Ohio Education Technology conference
- Start Talking event in Wheelersburg and presentation of Schools of Promise event in Ironton and New Boston
- Educational Service Center (ESC) Superintendents quarterly meeting
- Early Childhood Ohio Head Start Association speaking engagement
- Ongoing collaboration with the Ohio Board of Regents
- Recommendation to approve Columbus City School District Waiver Request
- Recommendation to approve John Richard as Associate State Superintendent of Public Instruction

This concludes the Superintendent's report.

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### **Cursive Handwriting Presentation**

The State Board received a presentation regarding the positive aspects of cursive handwriting in the English language arts curriculum.

Studies and research show instruction in cursive writing develops fine motor skills and improves literacy. As a result, the State Board of Education wishes to emphasize that instruction in cursive writing is important and beneficial for children.

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As a way to support local boards of education who continue to teach cursive writing as part of their English language arts curriculum, in February, the State Board of Education adopted a resolution in support of instruction in cursive writing. The State Board encourages continued instruction in this skill in the classroom and of the continued development of instructional resources and supports for cursive writing.

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### BOARD PRESENTATIONS AND DISCUSSION FROM THE EXECUTIVE COMMITTEE

Chair: Debe Terhar, Vice Chair: Tom Gunlock

Mr. Gunlock gave a report from the Executive Committee meeting focusing on the following issues:

#### **State Board Meeting Calendar for 2014-2015:**

The Committee discussed the meeting calendar for the upcoming year. It was decided to continue to hold the Board's November meeting at the OSBA Capital Conference.

#### **Ohio Teacher of the Year (OTOY) nomination and selection process:**

The Committee discussed restructuring the nomination and selection process for the OTOY, beginning in 2014.

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### BOARD PRESENTATIONS AND DISCUSSION FROM THE ACHIEVEMENT COMMITTEE

Chair: C. Todd Jones, Vice Chair: Joe Farmer

Mr. Jones gave a report from the Achievement Committee meeting focusing on the following issues:

#### **Early Childhood Assessment:**

The Committee received an update from Ms. Stephanie Siddens on the Early Childhood Assessment system. This assessment measures all domains of readiness including language and literacy and mathematics. The first administration of the assessment will be in 2014-2015. The language and literacy portion of the assessment can also be used to meet the September 30<sup>th</sup> diagnostic requirement outlined by the Third Grade Reading Guarantee. Professional development and support on the Early Childhood assessment is being provided by State Support Teams.

#### **Alternate Assessment:**

The Committee received an update from Mr. Andrew Hinkle on the administration of the Alternate Assessment for students with significant cognitive disabilities. State support teams provide year-round professional development and support on the extended academic content standards for student with significant cognitive disabilities. Additionally, an online portal for the Alternate Assessment has been created to provide access to test administration, functions, training, and informational resources. Mr. Hinkle reported that thousands of educators have received training on the assessment last year.

#### **Cursive Writing:**

The Committee received an update from Ms. Sasheen Phillips about on cursive writing and supports included in the model curriculum.

#### **Third Grade Reading Guarantee:**

Ms. Sasheen Phillips presented TGRG resources for the Committee to review. The resources included an FAQ and Parent Road Map.

**BOARD PRESENTATIONS AND DISCUSSION FROM THE CAPACITY COMMITTEE**

Chair: Tom Gunlock

Mr. Gunlock gave a report from the Capacity Committee meeting focusing on the following issues:

**Update on the Ohio Assessments for Educators (OAE) Licensure Exams -Candidate Performance September 3, 2013 through January 31, 2014:**

Staff from the Evaluation Systems Group of Pearson presented the Committee with candidate performance data for the new Ohio Assessments for Educators (OAE) licensure assessments that began to be administered in September 2013 and for which the State Board of Education adopted passing scores in June 2013. While the number of test takers is still too small to make any decisions about adjusting passing scores, the intent is for the Capacity Committee to monitor candidate performance on the new tests and to be aware of any areas of concern, prior to officially considering the adjusting of any passing scores later this spring. At the March Capacity Committee meeting, staff will provide samples of the types of score reporting that the Department has access to, as requested by Committee members.

**Discuss Rule 3301-24-07, Provisional License Renewal:**

The Committee discussed proposed revisions to Rule 3301-24-07, Provisional License Renewal, which is due for a five-year review. Many individuals hold provisional teaching licenses that are not presently teaching, and are able to renew and maintain them in accordance with this rule. The proposed changes include some wording clean-up and deletion of language referencing renewal of provisional principal and school counselor licenses, which are no longer issued. Language has been added to clarify that a provisional teaching license is not valid for participation in the four year Resident Educator Program, which requires a person to hold a four year resident educator license or alternative resident educator license. The Committee voted to recommend approval of the proposed rule changes to the Full State Board.

**Discuss Rescinding of Rules 3301-21-05 to -07, Colleges and Universities Preparing Teachers:**

Staff explained that rules 3301-21-05 to -07, Colleges and Universities Preparing Teachers, which are due for a five-year review, need to be rescinded by the State Board. The State Board no longer has authority in matters involving the approval of colleges and universities to prepare teachers, since that function was statutorily transferred to the Chancellor of Ohio Board of Regents in 2009. The Committee voted to recommend rescission of the rules to the Full State Board.

**Discuss Rules 3301-37-01 to -12, Child Day Care Licensing:**

The Committee discussed proposed revisions to the Preschool Program Licensing Rules, Chapter 3301-37 of the Administrative Code, which are due for a five-year review. The proposed changes to the rules are made pursuant to state and federal regulations, stakeholder input and the pursuit of clarity. The rules were presented as information-only this month, due to the need to complete the CSI (Common Sense Initiative) process, and will return for a vote at the March Capacity Committee meeting.

**Update on the Berkshire/Newbury Consolidation Hearing:**

The Committee discussed the current status of plans for the February 18, 2014 Capacity Committee meeting in Geauga County to collect feedback on the proposed Berkshire-Newbury consolidation. The meeting will begin at 5 pm and conclude at 8 pm or thereafter when no one else from the public is present and participating. The Committee will hear testimony from potentially affected residents of the two districts regarding the pros and cons of the proposed consolidation.

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The meeting will take place at Clark Commons on the Kent State University-Geauga Campus, 1411 Claridon-Troy Road, Burton, Ohio. All elected officials in Geauga County have been notified of the meeting, and ODE Communications is also coordinating outreach and notification with the two district superintendents including publication in local newspapers and communication with parents.

A court reporter will provide a verbatim transcript of the proceedings. State Board President Terhar will deliver opening remarks, P.R. Casey will provide a legal overview of the consolidation issue, and the respective districts will make presentations, followed by a public comment period. The opportunity for public comment will be kept open for a period following the meeting, in order for the State Board to receive additional written testimony regarding the proposed consolidation.

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### **BOARD PRESENTATIONS AND DISCUSSION FROM THE URBAN AND RURAL RENEWAL COMMITTEE**

Chair: Dr. Mark Smith, Vice Chair: Mike Collins

Dr. Smith gave a report from the Urban and Rural Renewal committee meeting focusing on the following issues:

Primary focus areas for this committee are to:

- Continue working with schools identified as persistently low achieving
- Reduce the number of dropouts and increase graduation rates
- Develop a resource pool available through the Department's website for districts/schools to utilize

Dr. Richard discussed problems identified by stakeholders in Ohio as challenges to Learning which are the following:

- Basic Needs/support for Families
- Poverty/Homelessness
- Truancy & Attendance issues
- Parental Involvement
- Effective ways to address disruptive behaviors
- Community support & ownership of schools

The committee discussed 4 large areas related to these challenges which were:

- Community/Neighborhood (economy, crime, violence)
- Family (abuse, poor role modeling, language)
- School & Peers (poor climate, negative culture, enrollment/attendance issues)
- Individual student (temperament, medical problems at birth, gifted)

Dr. Richard created a graph which the committee will build on that includes:

- Range of Learners may lack some basic prerequisites, they may have extreme deficient and major issues
- Intervene and identify resources & provide appropriate support thru available resources
- Re-engage students in appropriate instructional setting by having ongoing support with high expectations and accountability

Dr. Richard proposed a work plan and resources for the committee for the up-coming months which are in the following months:

- March: Springfield

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- April: Rural/Appalachian
- May: Dr. Corso from My Voice
- June: Recommendations
- July: Present it to the Board
- August: Update to the General Assembly

Additional resources were discussed such as:

- CORAS
- Appalachian Foundation
- Kirwin Institute
- Appalachian Collaborative
- United Way (Janet Jackson)
- Philanthropy Ohio – (Suzanne Allen)

Next steps include a mock up website on the resources. Committee members were encouraged by Dr. Smith to submit 1 or 2 items that they believe would impact graduation & reduce dropouts.

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### **BOARD PRESENTATIONS AND DISCUSSION FROM THE OPERATING STANDARDS COMMITTEE**

Chair: Ron Rudduck, Co-Chair: Daryl Mehaffie

Mr. Rudduck gave a report from the Operating Standards Committee meeting focusing on the following issues:

- The Committee had its second discussion on Rule 4.
- Rule 4 is centered on Student and other Stakeholder Focus. Some of the discussion of the rule centered on maintaining local control and clarifying district-level record keeping procedures.
- The Committee also heard a summary of Rule 5 which addresses Faculty and Staff and began discussion of the rule. Discussion will continue at the March meeting.
- On February 19 from 1:00-3:00 PM the Committee will meet to discuss the web site that will supplement the Operating Standards Rules. Our intention is to revise the rules so they are not redundant but to also provide districts with a single web site to find the rules, laws and other resources they need to implement the Operating Standards.

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### **BOARD PRESENTATIONS AND DISCUSSION FROM THE ACCOUNTABILITY COMMITTEE**

Chair: Tom Gunlock

Mr. Gunlock gave a report from the Accountability Committee meeting focusing on the following issues:

- President Terhar announced that Rebecca Vazquez-Skillings is the newest member of the Accountability Committee.
- The committee heard a presentation by Matt Cohen on the Gifted Indicator, after which an alternate plan was presented. After much discussion, it was agreed that Department staff will await direction before determining next steps on the Gifted Indicator.

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- Joni Hoffman presented on the Dropout Recovery Community School report card. Two additional rules are needed to complete their framework, but committee members have until the March SBOE meeting to make decisions around this.

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### BOARD PRESENTATIONS AND DISCUSSION FROM THE LEGISLATIVE AND BUDGET COMMITTEE

Chair: Kathleen McGervey, Co-Chair: C. Todd Jones

Ms. McGervey gave a report from the Legislative and Budget Committee meeting focusing on the following issues:

- Jennifer Hogue gave an update on HB 193 (Brenner, R-Powell) regarding Graduation Requirements and HB 342 (Brenner, R- Powell) regarding the Straight A Fund.
- Averel Meden gave an update on HB 416 (Burkley, R-Paulding/ Hill, R- Zanesville) regarding calamity days; SB 273 (Gardner, R- Bowling Green) regarding calamity day make up for graduating 12th graders; and SB 229 (Gardner, R-Bowling Green) regarding teacher evaluations.
- Ms. Hogue gave an update on the Mid Biennium Review, saying that she expects it to be introduced after the governor delivers the State of the State address.

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### REVIEW OF WRITTEN REPORTS, ITEMS FOR VOTE AND ITEMS FOR CONSIDERATION FOR NEXT MONTH

#### Consent Agenda (5): Volume 2

1. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER/DENIAL AND TO ENTER AN ORDER TO DENY PERMANENTLY THE ONE-YEAR SUBSTITUTE TEACHING LICENSE APPLICATION OF HEATHER A. THOMAS (VOLUME 2, PAGE 4)
2. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL ADOLESCENCE TO YOUNG ADULT TEACHING LICENSE OF MICHAEL P. YOUNG (VOLUME 2, PAGE 6)
3. RESOLUTION OF INTENT TO RESCIND RULE 3301-24-10 OF THE ADMINISTRATIVE CODE REGARDING THE ALTERNATIVE EDUCATOR LICENSE (VOLUME 2, PAGE 8)
4. RESOLUTION OF INTENT TO AMEND RULE 3301-46-01 OF THE ADMINISTRATIVE CODE ENTITLED ESTABLISHING PROVISIONS FOR GRANTING EXCEPTIONS FROM STATUTORY PROVISIONS AND RULES AS NECESSARY TO IMPLEMENT INNOVATIVE EDUCATION PILOT PROGRAMS (VOLUME 2, PAGE 12)
5. RESOLUTION OF INTENT TO AMEND RULES 3301-51-01 TO 3301-51-09, RULE 3301-51-11, AND TO RESCIND AND ADOPT RULE 3301-51-21 OF THE ADMINISTRATIVE CODE ENTITLED OPERATING STANDARDS FOR OHIO EDUCATIONAL AGENCIES SERVING CHILDREN WITH DISABILITIES (VOLUME 2, PAGE 15)

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### **Territory Transfers (0): Volume 2**

There were no Territory Transfers for adoption in February.

Items 6 through 17 were school personnel resolutions.

President Terhar announced that Item 17 would be addressed first during the voting on personnel items.

### **Administrative Rules (0): Volume 3**

There were no Administrative Rules for adoption in February.

### **Miscellaneous Resolutions (3): Volume 4**

18. MOTION REGARDING 2014-2015 STATE BOARD MEETING DATES (VOLUME 4, PAGE 4) (EXECUTIVE COMMITTEE)
19. RESOLUTION TO APPOINT AN ASSOCIATE SUPERINTENDENT OF PUBLIC INSTRUCTION
20. RESOLUTION TO APPROVE A WAIVER REQUEST FROM COLUMBUS CITY SCHOOLS

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### **PUBLIC PARTICIPATION ON NONACTION ITEMS**

- 1) Mr. Eric Price, President, Exchange Club of Dayton. Mr. Price spoke to the Board regarding citizen education.
- 2) Mrs. Elshoff introduced a group of students that would be participating in the Ohio Youth in Government Leadership Conference, who spoke about their participation in Youth in Government.

This concludes Public Participation on Nonaction Items.

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### **PUBLIC PARTICIPATION ON ACTION ITEMS**

There was no Public Participation on Action Items.

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President Terhar called on Superintendent Ross for his report and recommendations.

President Terhar presented the following recommendations (Items 1-5) on the Consent Agenda:

1. **RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER/DENIAL AND TO ENTER AN ORDER TO DENY PERMANENTLY THE ONE-YEAR SUBSTITUTE TEACHING LICENSE APPLICATION OF HEATHER A. THOMAS**

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I **RECOMMEND** that the State Board of Education **ADOPT** the following Resolution:

WHEREAS Heather A. Thomas has applied for a one-year substitute teaching license; and

WHEREAS on January 24, 2014, the Ohio Department of Education received a voluntary surrender/denial form from Heather A. Thomas, which authorizes the State Board to enter an order permanently denying her application for a one-year substitute teaching license based upon Ms. Thomas' 2006 conviction in the Franklin County Court of Common Pleas for one misdemeanor count of unlawful restraint; and

WHEREAS the form specifies that Heather A. Thomas is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

WHEREAS Heather A. Thomas has waived her right to a hearing and authorizes the State Board of Education to enter an order permanently denying her application for a one-year substitute teaching license: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and Ohio Revised Code 3319.311(F), hereby **DENIES** Heather A. Thomas' application for a one-year substitute teaching license based upon Ms. Thomas' 2006 conviction in the Franklin County Court of Common Pleas for one misdemeanor count of unlawful restraint. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders Heather A. Thomas be permanently ineligible to apply for any license issued by the State Board of Education; and Be, It Further

RESOLVED, That the State Superintendent of Public Instruction be, and he hereby is, directed to notify Ms. Thomas of this action.

**2. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL ADOLESCENCE TO YOUNG ADULT TEACHING LICENSE OF MICHAEL P. YOUNG**

I **RECOMMEND** that the State Board of Education **ADOPT** the following Resolution:

WHEREAS Michael P. Young holds a five-year professional adolescence to young adult teaching license issued in 2009; and

WHEREAS on January 15, 2014, the Ohio Department of Education received a voluntary surrender form from Michael P. Young, which authorizes the State Board to enter an order permanently revoking his five-year professional adolescence to young adult teaching license issued in 2009 based upon Mr. Young's alleged failure to maintain appropriate student-teacher boundaries; and

WHEREAS the form specifies that Michael P. Young is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

WHEREAS Michael P. Young has waived his right to a hearing and authorizes the State Board of Education to enter an order permanently revoking his five-

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year professional adolescence to young adult teaching license issued in 2009:  
Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and Ohio Revised Code 3319.311(F), hereby **REVOKES** Michael P. Young's five-year professional adolescence to young adult teaching license issued in 2009 based upon Mr. Young's alleged failure to maintain appropriate student-teacher boundaries. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Michael P. Young be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

RESOLVED, That the State Superintendent of Public Instruction be, and he hereby is, directed to notify Mr. Young of this action.

**3. RESOLUTION OF INTENT TO RESCIND RULE 3301-24-10 OF THE ADMINISTRATIVE CODE REGARDING THE ALTERNATIVE EDUCATOR LICENSE**

The Capacity Committee **RECOMMENDS** that the State Board of Education **ADOPT** the following Resolution:

WHEREAS Section 3319.26 of the Revised Code presently requires the State Board of Education to adopt rules establishing the standards and requirements for obtaining a four year alternative resident educator license, and prescribes certain requirements for that license, including participation by these license holders in Ohio's four year teacher residency program; and

WHEREAS the State Board of Education has adopted Rules 3301-24-19, -20, -21 and -22 of the Administrative Code pursuant to Section 3319.26 of the Revised Code that establish the standards and requirements for obtaining various types of four year alternative resident educator licenses; and

WHEREAS Section 3319.26 of the Revised Code formerly required the State Board of Education to adopt rules establishing the standards and requirements for obtaining a two year alternative educator license, and formerly prescribed certain requirements for that license, which are contained in Rule 3301-24-10 of the Administrative Code; and

WHEREAS Rule 3301-24-10 of the Administrative Code is no longer aligned with statute, since significant changes to Section 3319.26 of the Revised Code were made in the process of replacing the two year alternative educator license with the four year alternative resident educator license; and

WHEREAS Rules 3301-24-19, -20, -21 and -22 of the Administrative Code render obsolete Rule 3301-24-10 of the Administrative Code; and

WHEREAS the Capacity Committee, at its November 2013 meeting, approved the proposed rescission of the rule: Therefore, Be It

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RESOLVED, That the State Board of Education hereby declares its intent to rescind Rule 3301-24-10 of the Administrative Code, which is attached hereto and incorporated herein by this reference; and, Be It

FURTHER RESOLVED, That the Superintendent of Public Instruction be, and he hereby is, directed to file with the Secretary of State, Legislative Service Commission, and the Joint Committee on Agency Rule Review, the full text of the proposed rule to be rescinded and that the same be made available upon request, without charge, to all persons affected by the rule; and, Be It

FURTHER RESOLVED, That the Department of Education, Office of Legal Counsel, is hereby authorized to revise or refile the rule to address issues determined to be of a non-substantive nature, including grammatical problems and other technical issues inherent to the content of the rule and accompanying forms; but that substantive issues related to rule content ultimately requiring revision or refile of the rule will be brought before the State Board of Education for review and consideration; and, Be It

FURTHER RESOLVED, That the Superintendent of Public Instruction be, and he hereby is, directed to give proper notice under the provisions of Chapter 119. of the Revised Code of the holding of a hearing on said rule; that public notice be given in the Register of Ohio; and that said notice contain a general statement of the subject matter to which the rule relates.

#### 4. **RESOLUTION OF INTENT TO AMEND RULE 3301-46-01 OF THE ADMINISTRATIVE CODE ENTITLED ESTABLISHING PROVISIONS FOR GRANTING EXCEPTIONS FROM STATUTORY PROVISIONS AND RULES AS NECESSARY TO IMPLEMENT INNOVATIVE EDUCATION PILOT PROGRAMS**

The Achievement Committee **RECOMMENDS** that the State Board of Education **ADOPT** the following resolution:

WHEREAS Section 3302.07 of the Revised Code establishes provisions for granting exceptions from statutory provisions and rules as necessary to implement innovative education pilot programs and instructs the State Board of Education to create and adopt standards for approval of these programs; and

WHEREAS Rule 3301-46-01 of the Administrative Code is proposed to be amended pursuant to the requirements of five-year rule review; and

WHEREAS Rule 3301-46-01 of the Administrative Code permits the board of education of any school district, the governing board of any educational service center, or the administrative authority of any chartered nonpublic school to submit an application to the State Board of Education for an exemption from specific statutory provisions and/or rules in order to implement a proposed innovative education pilot program; and

WHEREAS proposed amendments to the rule would clarify that certain exemptions shall be granted pursuant to a waiver granted by the Superintendent of Public Instruction pursuant to Section 3301.07 of the Revised Code; and

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WHEREAS the Achievement Committee, during its January 2014 meeting, voted to recommend adoption of the proposed amendment to the State Board of Education: Therefore, Be It

RESOLVED, That the State Board of Education hereby declares its intent to amend Rule 3301-46-01 of the Administrative Code, which is attached hereto and incorporated herein by this reference; and, Be It

FURTHER RESOLVED, That the Superintendent of Public Instruction be, and he hereby is, directed to file with the Secretary of State, Legislative Service Commission, and the Joint Committee on Agency Rule Review, the full text of the proposed rule to be amended and the same be made available upon request, without charge, to all persons affected by the rule; and, Be It

FURTHER RESOLVED, That the Department of Education, Office of Legal Counsel, is hereby authorized to revise or refile the rule to address issues determined to be of a non-substantive nature, including grammatical problems and other technical issues inherent to the content of the rule and accompanying forms; but that substantive issues related to rule content ultimately requiring revision or refile of the rule will be brought before the State Board of Education for review and consideration; and, Be It

FURTHER RESOLVED, That the Superintendent of Public Instruction be, and he hereby is, directed to give proper notice under the provisions of Chapter 119. of the Revised Code of the holding of a hearing on said rule; that public notice be given in the Register of Ohio; and that said notice contain a general statement of the subject matter to which the rule relates.

**5. RESOLUTION OF INTENT TO AMEND RULES 3301-51-01 TO 3301-51-09, RULE 3301-51-11, AND TO RESCIND AND ADOPT RULE 3301-51-21 OF THE ADMINISTRATIVE CODE ENTITLED OPERATING STANDARDS FOR OHIO EDUCATIONAL AGENCIES SERVING CHILDREN WITH DISABILITIES**

The Achievement Committee **RECOMMENDS** that the State Board of Education **ADOPT** the following Resolution:

WHEREAS Section 3301.07 of the Revised Code authorizes the State Board of Education to adopt rules for the implementation of requirements that are established in Chapter 3323. of the Revised Code regarding the education of children with disabilities; and

WHEREAS the rules subject to this resolution establish the minimum operating standards for elementary and secondary schools regarding the education of children with disabilities, and are proposed to be amended pursuant to the requirements of five-year rule review; and

WHEREAS the proposed amendments to the rules were reviewed and approved by the Achievement Committee during its January 2014 meeting: Therefore, Be It

RESOLVED, That the State Board of Education hereby declares its intent to amend Rules 3301-51-01 to 3301-51-09, Rule 3301-51-11, and to rescind and adopt

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Rule 3301-51-21 of the Administrative Code, which are attached hereto and incorporated herein by this reference; and, Be It

FURTHER RESOLVED, That the Superintendent of Public Instruction be, and he hereby is, directed to file with the Secretary of State, Legislative Service Commission, and the Joint Committee on Agency Rule Review, the full text of the proposed rules to be amended, rescinded, and adopted, and that the same be made available upon request, without charge, to all persons affected by the rules; and, Be It

FURTHER RESOLVED, That the Department of Education, Office of Legal Counsel, is hereby authorized to revise or refile the rules to address issues determined to be of a non-substantive nature, including grammatical problems and other technical issues inherent to the content of the rules and accompanying forms; but that substantive issues related to rule content ultimately requiring revision or refile of the rules will be brought before the State Board of Education for review and consideration; and, Be It

FURTHER RESOLVED, That the acting Superintendent of Public Instruction be, and he hereby is, directed to give proper notice under the provisions of Chapter 119. of the Revised Code of the holding of a hearing on said rules; that public notice be given in the Register of Ohio; and that said notice contain a general statement of the subject matter to which the rules relate.

It was Moved by Mrs. Dodd and Seconded by Mr. Gunlock that the Consent Agenda (Items 1-5) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Michael Collins	Stephanie Dodd
Tess Elshoff	Joe Farmer
Sarah Fowler	Thomas Gunlock
C. Todd Jones	Kathleen McGervey
Mary Rose Oakar	Ron Rudduck
Debe Terhar	Rebecca Vazquez-Skillings

Motion carried.

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Lori Kelly, Director, Office of Professional Conduct, presented the following recommendation (Item 6):

- 6. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE THE FIVE-YEAR PROFESSIONAL SUPERINTENDENT LICENSE AND FIVE-YEAR PROFESSIONAL PRINCIPAL LICENSE AND TO DENY THE ONE-YEAR SUBSTITUTE TEACHING LICENSE APPLICATION OF ANTONIO D. BIAS**

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I **RECOMMEND** that the State Board of Education **ADOPT** the following Resolution:

WHEREAS Antonio D. Bias holds a five-year professional superintendent license issued in 2012, held a five-year professional principal license issued in 2008, and has applied for a one-year substitute teaching license; and

WHEREAS on March 25, 2013, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Antonio D. Bias of its intent to determine whether to limit, suspend, revoke, or permanently revoke his five-year professional superintendent license issued in 2012 and five-year professional principal license issued in 2008 and to deny or permanently deny his one-year substitute teaching license application pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Bias' 2012 conviction in the Wayne County Municipal Court for one misdemeanor count of child endangerment and one misdemeanor count of having physical control of a vehicle while under the influence, and failure to disclose his conviction for child endangerment on his pending application; and

WHEREAS Mr. Bias requested a hearing regarding the State Board's intent; and

WHEREAS a hearing was held on June 18, 2013; and

WHEREAS Mr. Bias was present at the hearing, but counsel did not represent him; and

WHEREAS the hearing officer recommends that Mr. Bias' licenses be revoked and his pending application be denied. Further, the hearing officer recommends that Mr. Bias be eligible to apply for a license in three years if he has no intervening criminal convictions or instances of unbecoming behavior, he presents satisfactory documentation from an alcohol treatment practitioner that he is not alcohol dependent or abusing alcohol, and he demonstrates compliance with any educational requirements, the State Board's order, and the criteria set forth in Rule 3301-73-24 of the Ohio Administrative Code. The hearing officer's recommendation is based upon Mr. Bias' two convictions, the remorse he expressed during the hearing regarding his actions towards the police officer involved in his criminal case, and his failure to disclose his child endangering conviction not being done purposely to mislead the Ohio Department of Education; and

WHEREAS the State Board of Education considered the objections to the hearing officer's report and recommendation, which Mr. Bias timely filed; and

WHEREAS The Ohio Department of Education filed a motion to reopen the administrative record and admit additional evidence. The hearing officer granted the Ohio Department of Education's motion and admitted the additional evidence, identified as State's Exhibit 8, as part of the administrative record; and

WHEREAS the State Board of Education considered the additional evidence, identified as State's Exhibit 8, which the hearing officer admitted as part of the administrative record: Therefore, Be It

**RESOLVED**, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Antonio D. Bias' five-year professional superintendent license issued in 2012 and five-year professional principal license

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issued in 2008 and **DENIES** his one-year substitute teaching license application based upon Mr. Bias' 2012 conviction in the Wayne County Municipal Court for one misdemeanor count of child endangerment and one misdemeanor count of having physical control of a vehicle while under the influence, and failure to disclose his conviction for child endangerment on his pending application. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a) and (A)(3)(a), orders that Antonio D. Bias be ineligible to apply for any license issued by the State Board of Education until or after February 11, 2017 provided that upon reapplication Mr. Bias has no intervening criminal convictions or instances of unbecoming behavior, he presents satisfactory documentation from an alcohol treatment practitioner that he is not alcohol dependent or abusing alcohol, and he demonstrates compliance with any educational requirements, the State Board's order, and the criteria set forth in Rule 3301-73-24 of the Ohio Administrative Code; and, Be It Further

RESOLVED, That the State Superintendent of Public Instruction be, and he hereby is, directed to notify Mr. Bias of this action.

It was Moved by Ms. Oakar and Seconded by Mr. Collins that the above recommendation (Item 6) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Michael Collins	Stephanie Dodd
Tess Elshoff	Joe Farmer
Sarah Fowler	Thomas Gunlock
Kathleen McGervey	Mary Rose Oakar
Ron Rudduck	Debe Terhar
Rebecca Vazquez-Skillings	

**ABSTAIN**

C. Todd Jones

Motion carried.

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Lori Kelly, Director, Office of Professional Conduct, presented the following recommendation (Item 7):

**7. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO SUSPEND THE FIVE-YEAR SUBSTITUTE TEACHING LICENSE OF SHAWN M. HOLDEN**

I **RECOMMEND** that the State Board of Education **ADOPT** the following Resolution:

WHEREAS Shawn M. Holden holds a five-year substitute teaching license issued in 2012; and

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WHEREAS on July 26, 2013, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Shawn M. Holden of its intent to determine whether to limit, suspend, revoke, or permanently revoke her five-year substitute teaching license issued in 2012 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Holden failing to maintain appropriate student-teacher boundaries in March 2013 by engaging in the following conduct: Ms. Holden sent a Facebook message to a student discussing the student's girlfriend; Ms. Holden sent a sexually inappropriate Facebook message to the student; Ms. Holden used the student's school email address to ask him not to tell anyone about the sexually inappropriate message; Ms. Holder went to the student's home after being notified by her employing district that it would no longer use her as a substitute teacher; Ms. Holden sent a Facebook message to a second student to ask about rumors involving her; and Ms. Holden called a third student to her desk during class time to ask about the first student's relationship with his girlfriend; and

WHEREAS Ms. Holden requested a hearing regarding the State Board's intent; and

WHEREAS a hearing was held on November 18, 2013; and

WHEREAS Ms. Holden was present at the hearing, but counsel did not represent her; and

WHEREAS the hearing officer recommends that Ms. Holden's license be suspended for a period of two years from the date of her removal from the substitute teaching list, March 20, 2013, and that prior to the suspension ending Ms. Holden must complete, at her own expense, thirty hours of counseling regarding proper boundaries between a teacher and student. The hearing officer's recommendation is based upon Ms. Holden appearing to care for students and projects involving students, the Facebook message with sexual content being sent to the student in error, and Ms. Holden being able to overcome her lack of maturity and her inability to recognize when she is crossing a professional boundary by completing the required counseling: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **SUSPENDS** Shawn M. Holden's five-year substitute teaching license issued in 2012 for two years, from March 20, 2013 through March 20, 2015, and **ORDERS** that prior to the suspension ending on March 20, 2015, Shawn M. Holden must complete, at her own expense, thirty hours of counseling, pre-approved by the Ohio Department of Education, regarding proper boundaries between a teacher and students. The suspension is based upon Ms. Holden failing to maintain appropriate student-teacher boundaries in March 2013 by engaging in the following conduct: Ms. Holden sent a Facebook message to a student discussing the student's girlfriend; Ms. Holden sent a sexually inappropriate Facebook message to the student; Ms. Holden used the student's school email address to ask him not to tell anyone about the sexually inappropriate message; Ms. Holder went to the student's home after being notified by her employing district that it would no longer use her as a substitute teacher; Ms. Holden sent a Facebook message to a second student to ask about rumors involving her; and Ms. Holden called a third student to her desk during class time to ask about the first student's relationship with his girlfriend. Further, the State Board orders that Ms. Holden be ineligible to apply for any license issued by the State Board of Education until on or after March 20, 2015; and, Be It Further

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RESOLVED, That the State Superintendent of Public Instruction be, and he hereby is, directed to notify Ms. Holden of this action.

It was Moved by Ms. McGervey and Seconded by Mr. Farmer that the above recommendation (Item 7) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Michael Collins	Stephanie Dodd
Tess Elshoff	Joe Farmer
Sarah Fowler	Thomas Gunlock
C. Todd Jones	Kathleen McGervey
Mary Rose Oakar	Ron Rudduck
Debe Terhar	Rebecca Vazquez-Skillings

Motion carried.

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Lori Kelly, Director, Office of Professional Conduct, presented the following recommendation (Item 8):

**8. RESOLUTION TO REVOKE PERMANENTLY THE ONE-YEAR SUBSTITUTE TEACHING LICENSE OF EILENE H. MOORE**

I **RECOMMEND** that the State Board of Education **ADOPT** the following Resolution:

WHEREAS Eilene H. Moore holds a one-year substitute teaching license issued in 2013; and

WHEREAS on December 4, 2013, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Eilene H. Moore of its intent to determine whether to limit, suspend, revoke, or permanently revoke her one-year substitute teaching license issued in 2013 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Moore's 2013 conviction in the Stow Municipal Court for one misdemeanor count of disorderly conduct, which stemmed from Ms. Moore hitting a student in the head; and

WHEREAS the notice informed Ms. Moore that if she failed within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code, the State Board of Education would proceed to determine whether to limit, suspend, revoke, or permanently revoke her one-year substitute teaching license issued in 2013; and

WHEREAS Eilene H. Moore did not request a hearing in accordance with Section 119.07 of the Revised Code; and

WHEREAS the State Board of Education has reviewed the affidavit of the Director of the Office of Professional Conduct, Notice of the State Board of

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Education's Intended Action and Opportunity for a Hearing, and certified records from the Stow Municipal Court and the Peninsula Police Department; and

WHEREAS Ohio Administrative Code Rule 3301-73-05 authorizes the State Board of Education to impose disciplinary action against any licenses held or applied for without holding an administrative hearing if the applicant and/or license holder fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Eilene H. Moore's one-year substitute teaching license issued in 2013 based upon Ms. Moore's 2013 conviction in the Stow Municipal Court for one misdemeanor count of disorderly conduct, which stemmed from Ms. Moore hitting a student in the head. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Eilene H. Moore be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

RESOLVED, That the State Superintendent of Public Instruction be, and he hereby is, directed to notify Ms. Moore of this action.

It was Moved by Ms. McGervey and Seconded by Mr. Farmer that the above recommendation (Item 8) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Michael Collins  
Tess Elshoff  
Sarah Fowler  
C. Todd Jones  
Mary Rose Oakar  
Debe Terhar

Stephanie Dodd  
Joe Farmer  
Thomas Gunlock  
Kathleen McGervey  
Ron Rudduck  
Rebecca Vazquez-Skillings

Motion carried.

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Lori Kelly, Director, Office of Professional Conduct, presented the following recommendation (Item 9):

**9. RESOLUTION TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL MIDDLE CHILDHOOD TEACHING LICENSE OF NICOLE R. MURPHY**

I **RECOMMEND** that the State Board of Education **ADOPT** the following Resolution:

WHEREAS Nicole R. Murphy holds a five-year professional middle childhood teaching license issued in 2011; and

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WHEREAS on December 2, 2013, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Nicole R. Murphy of its intent to determine whether to limit, suspend, revoke, or permanently revoke her five-year professional middle childhood teaching license issued in 2011 pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(a), and (B)(2)(d). The notice was based upon Ms. Murphy's 2012 no contest plea in the Richland County Common Pleas Court to one felony count of possession of heroin; and

WHEREAS the notice informed Ms. Murphy that if she failed within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code, the State Board of Education would proceed to determine whether to limit, suspend, revoke, or permanently revoke her five-year professional middle childhood teaching license issued in 2011; and

WHEREAS Nicole R. Murphy did not request a hearing in accordance with Section 119.07 of the Revised Code; and

WHEREAS the State Board of Education has reviewed the affidavit of the Director of the Office of Professional Conduct, Notice of the State Board of Education's Intended Action and Opportunity for a Hearing, and certified records from the Richland County Common Pleas Court and Mansfield Police Department; and

WHEREAS Ohio Administrative Code Rule 3301-73-05 authorizes the State Board of Education to impose disciplinary action against any licenses held or applied for without holding an administrative hearing if the applicant and/or license holder fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(a), and (B)(2)(d), hereby **REVOKES** Nicole R. Murphy's five-year professional middle childhood teaching license issued in 2011 based upon Ms. Murphy's 2012 no contest plea in the Richland County Common Pleas Court to one felony count of possession of heroin. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Nicole R. Murphy be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

RESOLVED, That the State Superintendent of Public Instruction be, and he hereby is, directed to notify Ms. Murphy of this action.

It was Moved by Ms. Fowler and Seconded by Mr. Rudduck that the above recommendation (Item 9) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Michael Collins  
Tess Elshoff  
Sarah Fowler  
C. Todd Jones  
Mary Rose Oakar

Stephanie Dodd  
Joe Farmer  
Thomas Gunlock  
Kathleen McGervey  
Ron Rudduck

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Debe Terhar

Rebecca Vazquez-Skillings

Motion carried.

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Lori Kelly, Director, Office of Professional Conduct, presented the following recommendation (Item 10):

**10. RESOLUTION TO REVOKE PERMANENTLY THE THREE-YEAR PUPIL ACTIVITY PERMIT OF ROBERT J. PALUCH**

I **RECOMMEND** that the State Board of Education **ADOPT** the following Resolution:

WHEREAS Robert J. Paluch holds a three-year pupil activity permit issued in 2012; and

WHEREAS on December 11, 2013, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Robert J. Paluch of its intent to determine whether to limit, suspend, revoke, or permanently revoke his three-year pupil activity permit issued in 2012 pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(d). The notice was based upon Mr. Paluch's 2013 conviction in the Sylvania Municipal Court for one misdemeanor count of attempted drug abuse; and

WHEREAS the notice informed Mr. Paluch that if he failed within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code, the State Board of Education would proceed to determine whether to limit, suspend, revoke, or permanently revoke his three-year pupil activity permit issued in 2012; and

WHEREAS Robert J. Paluch did not request a hearing in accordance with Section 119.07 of the Revised Code; and

WHEREAS the State Board of Education has reviewed the affidavit of the Director of the Office of Professional Conduct, Notice of the State Board of Education's Intended Action and Opportunity for a Hearing, and certified records from the Sylvania Municipal Court; and

WHEREAS Ohio Administrative Code Rule 3301-73-05 authorizes the State Board of Education to impose disciplinary action against any licenses held or applied for without holding an administrative hearing if the applicant and/or license holder fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code: Therefore, Be It

**RESOLVED**, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(d), hereby **REVOKES** Robert J. Paluch's three-year pupil activity permit issued in 2012 based upon Mr. Paluch's 2013 conviction in the Sylvania Municipal Court for one misdemeanor count of attempted drug abuse. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Robert J. Paluch be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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RESOLVED, That the State Superintendent of Public Instruction be, and he hereby is, directed to notify Mr. Paluch of this action.

It was Moved by Ms. McGervey and Seconded by Mr. Collins that the above recommendation (Item 10) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Michael Collins	Stephanie Dodd
Tess Elshoff	Joe Farmer
Sarah Fowler	Thomas Gunlock
C. Todd Jones	Kathleen McGervey
Mary Rose Oakar	Ron Rudduck
Debe Terhar	Rebecca Vazquez-Skillings

Motion carried.

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Lori Kelly, Director, Office of Professional Conduct, presented the following recommendation (Item 11):

**11. RESOLUTION TO DENY THE THREE-YEAR PUPIL ACTIVITY PERMIT APPLICATION OF FLORRINE A. SPIKES**

I **RECOMMEND** that the State Board of Education **ADOPT** the following Resolution:

WHEREAS Florraine A. Spikes has applied for a three-year pupil activity permit; and

WHEREAS on December 11, 2013, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Florraine A. Spikes of its intent to deny or permanently deny her application for a three-year pupil activity permit pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(c) and (F) and Rule 3301-20-01(E) of the Ohio Administrative Code. The notice was based upon Ms. Spikes' 2011 conviction in the Painesville Municipal Court for one misdemeanor count of passing bad checks; and

WHEREAS the notice informed Ms. Spikes that if she failed within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code, the State Board of Education would proceed to deny or permanently deny her application for a three-year pupil activity permit; and

WHEREAS Florraine A. Spikes did not request a hearing in accordance with Section 119.07 of the Revised Code; and

WHEREAS the State Board of Education has reviewed the affidavit of the Director of the Office of Professional Conduct, Notice of the State Board of Education's Intended Action and Opportunity for a Hearing, and certified records from the Painesville Municipal Court and Painesville Police Department; and

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WHEREAS Ohio Administrative Code Rule 3301-73-05 authorizes the State Board of Education to impose disciplinary action against any licenses held or applied for without holding an administrative hearing if the applicant and/or license holder fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code; and

WHEREAS Ms. Spikes is not eligible for licensure because she does not meet the rehabilitation criteria in Rule 3301-20-01(E) as five years have not elapsed since her theft-related conviction: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(c) and (F) and Rule 3301-20-01(E) of the Ohio Administrative Code, hereby **DENIES** Florraine A. Spikes' application for a three-year pupil activity permit based upon Ms. Spikes' 2011 conviction in the Painesville Municipal Court for one misdemeanor count of passing bad checks. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(a), orders Florraine A. Spikes be ineligible to apply for any license issued by the State Board of Education until on or after February 14, 2016, which is five years from the date of her conviction, or when her conviction is sealed or expunged, whichever occurs first; and, Be It Further

RESOLVED, That the State Superintendent of Public Instruction be, and he hereby is, directed to notify Ms. Spikes of this action.

It was Moved by Ms. Fowler and Seconded by Ms. McGervey that the above recommendation (Item 11) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Michael Collins  
Tess Elshoff  
Sarah Fowler  
C. Todd Jones  
Mary Rose Oakar  
Debe Terhar

Stephanie Dodd  
Joe Farmer  
Thomas Gunlock  
Kathleen McGervey  
Ron Rudduck  
Rebecca Vazquez-Skillings

Motion carried.

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Lori Kelly, Director, Office of Professional Conduct, presented the following recommendation (Item 12):

- 12. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE THE FIVE-YEAR PROFESSIONAL HIGH SCHOOL TEACHING LICENSE AND TO DENY THE THREE-YEAR PUPIL ACTIVITY PERMIT APPLICATION OF LOUISSA L. SUMMERS**

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I **RECOMMEND** that the State Board of Education **ADOPT** the following Resolution:

WHEREAS Louissa L. Summers held a five-year professional high school teaching license issued in 2008 and has applied for a three-year pupil activity permit; and

WHEREAS on February 27, 2013, the Acting State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Louissa L. Summers of its intent to determine whether to limit, suspend, revoke, or permanently revoke her five-year professional high school teaching license issued in 2008 and to deny or permanently deny her application for a three-year pupil activity permit pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Summers engaging in the following misconduct: *[redacted in accordance with Ohio law]*; allowing her students to watch approximately fifty-three inappropriate internet videos between January 2012 and February 2012 with some of the videos containing explicit language, sexual content, and drug and/or alcohol use; making a disparaging or inappropriate comment to a student in April 2007, which resulted in a written reprimand by her employing district; making disparaging or inappropriate comments to students and failing to grade and return student assignments in February 2008, which resulted in a written reprimand by her employing district; and making disparaging or inappropriate comments to a student in February 2012, which resulted in a three-day suspension by her employing district; and

WHEREAS Ms. Summers requested a hearing regarding the State Board's intent; and

WHEREAS a hearing was held on July 23, 2013 and August 7, 2013; and

WHEREAS Ms. Summers was present at the hearing, and counsel represented her; and

WHEREAS the hearing officer recommends that Ms. Summers' license be revoked, her application be denied, and she be ineligible to apply for any license for three years. The hearing officer's recommendation is based upon Ms. Summers' pattern of exercising poor judgment and not thinking about the consequences of her actions: Therefore, Be It

**RESOLVED**, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Louissa L. Summers' five-year professional high school teaching license issued in 2008 and **DENIES** her application for a three-year pupil activity permit based upon Ms. Summers engaging in the following misconduct: *[redacted in accordance with Ohio law]*; allowing her students to watch approximately fifty-three inappropriate internet videos between January 2012 and February 2012 with some of the videos containing explicit language, sexual content, and drug and/or alcohol use; making a disparaging or inappropriate comment to a student in April 2007, which resulted in a written reprimand by her employing district; making disparaging or inappropriate comments to students and failing to grade and return student assignments in February 2008, which resulted in a written reprimand by her employing district; and making disparaging or inappropriate comments to a student in February 2012, which resulted in a three-day suspension by her employing district. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that Louissa L. Summers be

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ineligible to apply for any license issued by the State Board of Education until or after February 11, 2017; and, Be It Further

RESOLVED, That the State Superintendent of Public Instruction be, and he hereby is, directed to notify Ms. Summers of this action.

It was Moved by Mrs. Dodd and Seconded by Ms. McGervey that the above recommendation (Item 12) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Michael Collins	Stephanie Dodd
Tess Elshoff	Joe Farmer
Sarah Fowler	Thomas Gunlock
C. Todd Jones	Kathleen McGervey
Mary Rose Oakar	Ron Rudduck
Debe Terhar	Rebecca Vazquez-Skillings

Motion carried.

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Lori Kelly, Director, Office of Professional Conduct, presented the following recommendation (Item 13):

**13. RESOLUTION TO REVOKE THE THREE-YEAR PUPIL ACTIVITY PERMIT OF KYLE O. TUCKER**

I **RECOMMEND** that the State Board of Education **ADOPT** the following Resolution:

WHEREAS Kyle O. Tucker holds a three-year pupil activity permit issued in 2012; and

WHEREAS on November 20, 2013, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Kyle O. Tucker of its intent to determine whether to limit, suspend, revoke, or permanently revoke his three-year pupil activity permit issued in 2012 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Tucker's 2013 conviction in the Fremont Municipal Court for one misdemeanor count of operating a vehicle under the influence of alcohol, 2013 conviction in the Fremont Municipal Court for one misdemeanor count of open container, 2011 conviction in the Fremont Municipal Court for one misdemeanor count of operating a vehicle under the influence of alcohol, 2005 conviction in the Sandusky County Court #2 for one misdemeanor count of underage consumption, and failure to disclose his 2005 conviction on his 2012 application for a three-year pupil activity permit; and

WHEREAS the notice informed Mr. Tucker that if he failed within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code, the State Board of Education would proceed to determine whether to limit, suspend,

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revoke, or permanently revoke his three-year pupil activity permit issued in 2012; and

WHEREAS Kyle O. Tucker did not request a hearing in accordance with Section 119.07 of the Revised Code; and

WHEREAS the State Board of Education has reviewed the affidavit of the Director of the Office of Professional Conduct, Notice of the State Board of Education's Intended Action and Opportunity for a Hearing, and certified records from the Fremont Municipal Court, Sandusky County Court, Fremont Police Department, and Woodville Police Department; and

WHEREAS Ohio Administrative Code Rule 3301-73-05 authorizes the State Board of Education to impose disciplinary action against any licenses held or applied for without holding an administrative hearing if the applicant and/or license holder fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Kyle O. Tucker's three-year pupil activity permit issued in 2012 based upon Mr. Tucker's 2013 conviction in the Fremont Municipal Court for one misdemeanor count of operating a vehicle under the influence of alcohol, 2013 conviction in the Fremont Municipal Court for one misdemeanor count of open container, 2011 conviction in the Fremont Municipal Court for one misdemeanor count of operating a vehicle under the influence of alcohol, 2005 conviction in the Sandusky County Court #2 for one misdemeanor count of underage consumption, and failure to disclose his 2005 conviction on his 2012 application for a three-year pupil activity permit. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that Kyle O. Tucker be ineligible to apply for any license issued by the State Board of Education until on or after June 19, 2018, which is five years from the date of his last conviction; and, Be It Further

RESOLVED, That the State Superintendent of Public Instruction be, and he hereby is, directed to notify Mr. Tucker of this action.

It was Moved by Ms. Fowler and Seconded by Ms. McGervey that the above recommendation (Item 13) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Michael Collins  
Tess Elshoff  
Sarah Fowler  
C. Todd Jones  
Mary Rose Oakar  
Debe Terhar

Stephanie Dodd  
Joe Farmer  
Thomas Gunlock  
Kathleen McGervey  
Ron Rudduck  
Rebecca Vazquez-Skillings

Motion carried.

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Lori Kelly, Director, Office of Professional Conduct, presented the following recommendation (Item 14):

14. **RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO SUSPEND THE FIVE-YEAR PROFESSIONAL MIDDLE CHILDHOOD TEACHING LICENSE OF SHARYN E. TURNER**

I **RECOMMEND** that the State Board of Education **ADOPT** the following Resolution:

WHEREAS Sharyn E. Turner holds a five-year professional middle childhood teaching license issued in 2010; and

WHEREAS on January 21, 2013, the Acting State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Sharyn E. Turner of its intent to determine whether to limit, suspend, revoke, or permanently revoke her five-year professional middle childhood teaching license issued in 2010 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Turner engaging in non-educationally related online activity during class, failing to properly supervise her classroom on or about December 13, 2011, which resulted in a female student being inappropriately touched by several male students during class, and confronting the female student and indicating that Ms. Turner was in trouble due to the incident; and

WHEREAS Ms. Turner requested a hearing regarding the State Board's intent; and

WHEREAS a hearing was held on July 30, 2013 and July 31, 2013; and

WHEREAS Ms. Turner was present at the hearing, and counsel represented her; and

WHEREAS the hearing officer recommends that Ms. Turner's license be suspended through its expiration date, June 30, 2015, and she be ineligible to reapply for any license issued by the State Board of Education until June 30, 2016 provided she completes twelve hours of classroom management training and upon returning to the classroom she completes one year of monthly administrative reporting to the Ohio Department of Education. The hearing officer's recommendation is based upon Ms. Turner's negligent supervision of her classroom, which enabled several male students to inappropriately touch a female student in the butt and chest, and hump her; and

WHEREAS the State Board of Education considered the objections to the hearing officer's report and recommendation, which Ms. Turner timely filed: Therefore, Be It

**RESOLVED**, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **SUSPENDS** Sharyn E. Turner's five-year professional middle childhood teaching license issued in 2010 through its expiration date, June 30, 2015. Further, the State Board orders that Sharyn E. Turner is ineligible to apply for any license issued by the State Board of Education until on or June 30, 2016 provided that prior to reapplication Ms. Turner completes twelve hours of

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classroom management training pre-approved by the Ohio Department of Education and upon returning to the classroom Ms. Turner completes one year of monthly administrative reporting to the Ohio Department of Education. The suspension and limitation on reapplication is based upon Ms. Turner failing to properly supervise her classroom on or about December 13, 2011, which resulted in a female student being inappropriately touched by several male students during class; and, Be It Further

RESOLVED, That the State Superintendent of Public Instruction be, and he hereby is, directed to notify Ms. Turner of this action.

It was Moved by Ms. McGervey and Seconded by Mrs. Vazquez-Skillings that the above recommendation (Item 14) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Michael Collins	Stephanie Dodd
Tess Elshoff	Joe Farmer
Sarah Fowler	Thomas Gunlock
Kathleen McGervey	Mary Rose Oakar
Ron Rudduck	Debe Terhar
Rebecca Vazquez-Skillings	

**ABSTAIN**

C. Todd Jones

Motion carried.

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Lori Kelly, Director, Office of Professional Conduct, presented the following recommendation (Item 15):

**15. RESOLUTION TO REVOKE THE THREE-YEAR PUPIL ACTIVITY PERMIT OF STEPHEN M. VALENTINO**

I **RECOMMEND** that the State Board of Education **ADOPT** the following Resolution:

WHEREAS Stephen M. Valentino holds a three-year pupil activity permit issued in 2011; and

WHEREAS on December 11, 2013, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Stephen M. Valentino of its intent to determine whether to limit, suspend, revoke, or permanently revoke his three-year pupil activity permit issued in 2011 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Valentino's 2013 conviction in the Franklin County Municipal Court for one misdemeanor count of operating a vehicle while under the influence of alcohol or drugs (OVI), 2010 conviction in the Marysville Municipal Court for one misdemeanor count of

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OVI, and 2008 conviction in the Franklin County Municipal Court for one minor misdemeanor count of open container; and

WHEREAS the notice informed Mr. Valentino that if he failed within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code, the State Board of Education would proceed to determine whether to limit, suspend, revoke, or permanently revoke his three-year pupil activity permit issued in 2011; and

WHEREAS Stephen M. Valentino did not request a hearing in accordance with Section 119.07 of the Revised Code; and

WHEREAS the State Board of Education has reviewed the affidavit of the Director of the Office of Professional Conduct, Notice of the State Board of Education's Intended Action and Opportunity for a Hearing, and certified court records from the Franklin County Municipal Court and Marysville Municipal Court; and

WHEREAS Ohio Administrative Code Rule 3301-73-05 authorizes the State Board of Education to impose disciplinary action against any licenses held or applied for without holding an administrative hearing if the applicant and/or license holder fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Stephen M. Valentino's three-year pupil activity permit issued in 2011 based upon Mr. Valentino's 2013 conviction in the Franklin County Municipal Court for one misdemeanor count of operating a vehicle while under the influence of alcohol or drugs (OVI), 2010 conviction in the Marysville Municipal Court for one misdemeanor count of OVI, and 2008 conviction in the Franklin County Municipal Court for one minor misdemeanor count of open container. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that Stephen M. Valentino be ineligible to apply for any license issued by the State Board of Education until on or after July 9, 2018, which is five years from the date of his last conviction; and, Be It Further

RESOLVED, That the State Superintendent of Public Instruction be, and he hereby is, directed to notify Mr. Valentino of this action.

It was Moved by Ms. Fowler and Seconded by Ms. McGervey that the above recommendation (Item 15) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Michael Collins  
Tess Elshoff  
Sarah Fowler  
C. Todd Jones  
Mary Rose Oakar  
Debe Terhar

Stephanie Dodd  
Joe Farmer  
Thomas Gunlock  
Kathleen McGervey  
Ron Rudduck  
Rebecca Vazquez-Skillings

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Motion carried.

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Lori Kelly, Director, Office of Professional Conduct, presented the following recommendation (Item 16):

**16. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO SUSPEND THE FIVE-YEAR PROFESSIONAL INTERVENTION SPECIALIST TEACHING LICENSE OF NESSA A. WANLESS**

I **RECOMMEND** that the State Board of Education **ADOPT** the following Resolution:

WHEREAS Nessa A. Wanless holds a five-year professional intervention specialist teaching license issued in 2010; and

WHEREAS on February 26, 2013, the Acting State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Nessa A. Wanless of its intent to determine whether to limit, suspend, revoke, or permanently revoke her five-year professional intervention specialist teaching license issued in 2010 pursuant to Ohio Revised Code 3319.31(B)(1) and 3319.151. The notice was based upon Ms. Wanless violating testing procedures during the administration of the Ohio Achievement Assessment (OAA) in April 2012 when she determined a student did not complete the test, instructed a second scribe to finish the test with the student and record the answers on a separate sheet of paper, and then instructed the first scribe to record the additional answers in the student's test booklet; and

WHEREAS Ms. Wanless requested a hearing regarding the State Board's intent; and

WHEREAS a hearing was held on October 22, 2013; and

WHEREAS Ms. Wanless was present at the hearing, and counsel represented her; and

WHEREAS the hearing officer recommends that Ms. Wanless' license be suspended for one year. The hearing officer's recommendation is based upon Ms. Wanless assisting a student in cheating on his OAA test by enabling the student to go back and work on his test after it had been completed; and

WHEREAS the State Board of Education considered the objections to the hearing officer's report and recommendation, which Ms. Wanless timely filed: Therefore, Be It

**RESOLVED**, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and 3319.151, hereby **SUSPENDS** Nessa A. Wanless' five-year professional intervention specialist teaching license issued in 2010 for one year from February 11, 2014 to February 11, 2015 based upon Ms. Wanless violating testing procedures during the administration of the Ohio Achievement Assessment (OAA) in April 2012 when she determined a student did not complete

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the test, instructed a second scribe to finish the test with the student and record the answers on a separate sheet of paper, and then instructed the first scribe to record the additional answers in the student's test booklet. Further, the State Board orders that Nessa A. Wanless be ineligible to apply for any license issued by the State Board of Education until on or after February 11, 2015; and, Be It Further

RESOLVED, That the State Superintendent of Public Instruction be, and he hereby is, directed to notify Ms. Wanless of this action.

It was Moved by Ms. McGervey and Seconded by Mr. Rudduck that the above recommendation (Item 16) be approved.

Ms. Fowler stated that she hoped the Office of Professional Conduct would look into other personnel in connection with this matter.

President Terhar called for a roll call vote.

**YES VOTES**

Michael Collins	Stephanie Dodd
Tess Elshoff	Joe Farmer
Sarah Fowler	Thomas Gunlock
Kathleen McGervey	Mary Rose Oakar
Ron Rudduck	Debe Terhar
Rebecca Vazquez-Skillings	

**ABSTAIN**

C. Todd Jones

Motion carried.

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Lori Kelly, Director, Office of Professional Conduct, presented the following recommendation (Item 17):

**17. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO TAKE NO ACTION AGAINST THOMAS D. WEAVER'S FIVE-YEAR PROFESSIONAL SUPERINTENDENT LICENSE ISSUED IN 2011, FIVE-YEAR PROFESSIONAL PRINCIPAL LICENSE ISSUED IN 2011, AND FIVE-YEAR PROFESSIONAL HIGH SCHOOL TEACHING LICENSE ISSUED IN 2011**

I **RECOMMEND** that the State Board of Education **ADOPT** the following Resolution:

WHEREAS Thomas D. Weaver holds a five-year professional superintendent license issued in 2011, five-year professional principal license issued in 2011, and five-year professional high school teaching license issued in 2011; and

WHEREAS on February 13, 2013, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Thomas D. Weaver of its intent

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to determine whether to limit, suspend, revoke, or permanently revoke his five-year professional superintendent license issued in 2011, five-year professional principal license issued in 2011, and five-year professional high school teaching license issued in 2011 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Weaver engaging in the following conduct while employed as a principal: on February 16, 2012, Mr. Weaver failed to act when it was necessary to safeguard the safety and security of students when he failed to address a report that a video camera was found in the girl's locker room, which resulted in the school not being able to recover the device in a timely manner; from 2009 to 2011, Mr. Weaver failed to take disciplinary action or notify the superintendent when he had personal knowledge of allegations of multiple incidents of serious inappropriate misconduct by one of his direct reports; Mr. Weaver failed to disclose alcohol-related issues that he had personal knowledge of when he recommended a person for a coaching position and after the coach was non-renewed for continued alcohol-related problems, he gave the coach a positive recommendation to another school while omitting any information about the coach's alcohol issues; and during the 2011-2012 school year Mr. Weaver failed to properly investigate reports that a teacher in his school was failing to teach her class when he concluded his investigation after he exclusively spoke with the teacher and accepted her explanation; and

WHEREAS Mr. Weaver requested a hearing regarding the State Board's intent; and

WHEREAS a hearing was held on September 18-20, 2013 and October 10, 2013; and

WHEREAS Mr. Weaver was present at the hearing, and counsel represented him; and

WHEREAS the hearing officer recommends that Mr. Weaver receive no disciplinary action. The hearing officer's recommendation is based upon a preponderance of the evidence not establishing that Mr. Weaver engaged in conduct unbecoming to his position; and

WHEREAS the State Board of Education considered the objections to the hearing officer's report and recommendation, which the Ohio Department of Education timely filed: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby issues **NO ACTION** against Thomas D. Weaver's five-year professional superintendent license issued in 2011, five-year professional principal license issued in 2011, and five-year professional high school teaching license issued in 2011; and, Be It Further

RESOLVED, That the State Superintendent of Public Instruction be, and he hereby is, directed to notify Mr. Weaver of this action.

It was Moved by Ms. McGervey and Seconded by Mr. Rudduck that the above recommendation (Item 17) be approved.

Mr. Gunlock Moved to Amend the resolution by Substitution. He recommended to Revoke Mr. Weaver's five-year professional superintendent license issued in 2011 and five-year professional

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principal license issued in 2011 based upon Mr. Weaver failing to act by not performing a thorough investigation into the incident involving a person using an iPod to video tape members of a girls basketball team while they were changing in a locker room and failing to timely secure the iPod, and by not performing a thorough investigation into the 2009 complaint involving Mr. Galipeau at the Mud Hens game, failing to obtain additional information from the complainant, waiting several months before discussing the concerns with Mr. Galipeau, and failing to report Mr. Galipeau's misconduct to any Old Fort Local School District superintendent. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Thomas D. Weaver be permanently ineligible to apply for any administrator license issued by the State Board of Education. Ms. Fowler Seconded the motion.

Mr. Gunlock provided the following explanation for bringing forth his proposed amendment:

"I like many of you have been reading these cases now for three years. Many of you have been reading these type cases longer than I. For me the emotional range runs from "that person really did not do that" to "that is the most despicable thing I have ever heard." This case though really bothered me. For some reason I could not get control of my emotions as I read the case and then the entire testimony."

"We have a girls high school basketball team that travels to another school for the sole purpose of representing their school and playing a basketball game. The girls and their parents have the expectation that they will be in a relatively safe environment. Yes, it is possible that they could be physically hurt during competition, sprained ankle, broken wrist or maybe a black eye from an opponents elbow. Stuff happens in a competitive game."

"The game is now over and the girls are headed for the locker room, pretty standard for an athletic contest. Dinner is going to be served by the home team. Obviously the girls don't want to eat in their uniforms or drive home on the bus in the uniforms they just played a game in. This means they have to change clothes. Again this is pretty standard for an athletic contest at the high school level."

"The locker room is designed in such a way that it can be divided with a garage type door. For some reason this door is not secured with a locking mechanism. This is the first major issue by athletic director and principal Mr. Weaver. Mr. Weaver testifies that he has no idea whether the door can even be locked. Not something a responsible adult would not know. Boys will be boys and so one of them got the idea to raise this door 3-4 inches and place a video recording device under the door for the sole purpose of video-taping the girls in various stages of undress. I want to be very clear here. What this young man tried to do was wrong on many levels and whether he should be punished from a formal legal standpoint should be left to local authorities. Mr. Weaver as principal and athletic director was responsible for locking the door to prevent something like this from occurring."

"Now we have the device possibly video-taping the girls. One of the girls notices the device, screams, she hears giggling, and the recording device is removed. One of the girls runs out of the locker room to tell the coach what has occurred. The coach informs the home team coach who has someone call Mr. Weaver from his office to tell him that an issue has been reported and he needs to come down to speak with the coaches. Mr. Weaver does that. At this point everything is operating as it should. From this point forward everything goes horribly wrong."

"Mr. Weaver listens to the coaches and this young lady as they tell the story. Mr. Weaver visits the location of the incident and says that the camera is gone and has probably left the building. That my friends, was probably the best conclusion Mr. Weaver had all night. What did he expect. That the students whose video camera took the pictures would stand in place with their hands in the air and when Mr. Weaver arrived indicate that they were guilty. Some people in authority will mistakenly argue this same point. They believe that since he visited the scene of the incident that he fulfilled his legal and moral responsibility. The boys basketball team is now practicing in the gym. Mr.

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Weaver asks the coach if he knows of any players who might have a blue device. The coach says no but he would check with the players. Mr. Weaver did the right thing by checking with the boys coach and players. Mr. Weaver then goes back to his office to finish counting the money and to complete other duties. The boys coach then comes in 10 minutes later and tells Mr. Weaver that there is a player on the junior varsity that has a blue device but he was not at this practice. Mr. Weaver did not take further action at this time even though he had a name of a suspect. Not something a reasonable prudent person much less a licensed school administrator would have done under the same circumstances.”

“Mr. Weaver then called Supt. Meyers and informs him of the "incident" and that he, Mr. Weaver, would be addressing the issue the next day. He did not tell Mr. Meyers the details of the incident and testifies to that point in the record. Again not something a reasonable prudent person would do. Now some will blame Mr. Meyers because he did not ask Mr. Weaver what the issue represented. At no time did Mr. Weaver ever alert Mr. Meyers that the issue may have been serious. Mr. Weaver is an adult and he had the responsibility to Mr. Meyer to inform Mr. Meyer if he determined if this was a critical issue. Mr. Miller the junior varsity girls coach expressed his concern that the device was not located but again Mr. Weaver chose to take no further action. Mr. Weaver during his testimony believed that the device was long gone from the building, again a brilliant deduction from an astute administrator. Never mind that Mr. Weaver had a pretty good idea who the person was that was responsible.”

“Mr. Weaver next testified that a security camera was located outside of the locker rooms and could easily identify students who were in the area. In fact Mr. Weaver took great pride in the fact that he personally installed the camera on his own time. I guess he thought he should have been given a pass for his lack of acting as a professional school administrator or even as a caring adult for that matter since he installed the camera on his own time.”

“Now Mr. Weaver has a suspect in mind. He has the ability to view the security tape to verify who the person was who took the pictures and he again does nothing. In fact he testifies that it would have taken a good 15 minutes to bring the monitors to the location of the DVR and hook them up so he could view the tape. So by his not wanting to spend 15 minutes of his valuable time we have a recording device in the hands of a teenager with possible child pornographic pictures on the device. This teenager is going to have the device overnight now and during at least a part of the next day until Mr. Weaver gets around to investigating.”

“What would a reasonable prudent person do under these same circumstances? What would a licensed school administrator do under these circumstances? What would each of you do under these circumstances? If these girls were your children what would your expectations be of a licensed administrator in this state be? What Mr. Weaver should have done was to have called local law enforcement immediately. He should have started looking at the security tape so that he could have identified the student and provided a copy of the tape to the police. I think we can all agree that it was very likely that the recording device had pictures of young girls under the age of 18 in various stage of undress. If that proved to be true felony child pornography charges could be filed against the student. This video could have easily ended up on the internet that evening. I could not find anything in the record whether these pictures were publicly distributed. Some will say that since the pictures were not distributed that this is not that big of a deal. What we don't know is whether the pictures may have been uploaded to a thumb drive and hidden somewhere only to appear on the internet years down the road. Maybe when one of these young ladies is running for elected office. Maybe as a member of this board. To date the pictures have not been distributed that we know of. Not because of the quick actions of Mr. Weaver. Not because Mr. Weaver was a caring adult. Not because he had the best interests of students in mind. No, none of those. But because he was too lazy to take an extra 15 minutes out of his precious day to go get a monitor and view the tape and to make one phone call to the police.”

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“Mr. Weaver then testified that the next day he watched the security tape and within 45 minutes he was able to identify a varsity basketball player who was using the restroom facility at the time of the incident. Mr. Weaver asked Mr. Adelsperger to have the varsity basketball player to come to his office. The basketball player was able to identify the student and provided a written statement to Mr. Weaver. So what do you think Mr. Weaver did after identifying the student? Did he call the police? No he did not. Mr. Weaver did call the parents of the student he suspected. Mr. Weaver told the parents that he was suspending the student for the Friday and Saturday night game because of an "incident" that occurred at the girls game the night before. During testimony Mr. Weaver was asked if he told the parents of the suspect as to what occurred and he said he did not. I believe that action was also against the law. I believe Mr. Weaver had a legal responsibility to inform the parents of the reason he was suspending the student from the next two basketball games. Mr. Weaver did not ask about the device nor did he ask for the parents to look at what was recorded.”

“On Saturday morning now two days after the incident Mr. Meyer is at a girls junior high basketball game and was approached by the athletic director and basketball coach from North Baltimore. According to testimony from Mr. Meyer he says and I quote "that they are very upset about the way things happened on Thursday night and just about the incident and recording device and things like that". At this time Mr. Meyers puts Mr. Weaver on administrative leave.”

“I want to remind board members that Mr. Weaver gave a pass to Mr. Galapo when he was attending the Mud hens game in Toledo. Yes, we do not know if these were students from his district but the reason we do not know that is because he never investigated the situation after he was alerted to the issue earlier in the summer. He waited until school started before talking to Mr. Galapo. This demonstrates again that Mr. Weaver has problems addressing issues concerning sex with school personnel.”

“There are many more items that were discussed that you can find in your board books and you can read the detail in the testimony. Over 500 pages of testimony in fact. Some of those items discussed I could just right off as bad management or terrible administrators. People not paying attention to the details. And they may not fit the definition of conduct unbecoming. Others do fit that category. I only discussed one item here today not because I didn't think the others were not important but only because this one item was enough for me to vote to take Mr. Weavers license and prevent him from ever endangering a student in this state again.”

“I normally view these cases through the lens of whether I would want my child in the classroom with the teacher in question or in a particular school for that matter. In this case I would not want my child within 100 miles of Mr. Weaver. How Mr. Weaver can even believe for a second that we would allow him to keep a license is beyond me. How this hearing officer can come to the conclusion she came to makes one think the entire world has gone nuts. These girls and their families had every right to expect to be safe and through the actions of Mr. Weaver or lack of action by Mr. Weaver their lives could or may have been compromised. The only reason that I believe the hearing officer came to this conclusion is she felt that Mr. Weaver may have been less inept than everyone else in this school district. Great defense by his attorney and if you are not careful when reading the documents it is easy to fall into that trap.”

“Two teachers in this district have recently lost their licenses. I have no idea what is going on in that small district from a leadership position but someone better get on top of the situation. When you read the testimony and you have the Supt. taking the 5th amendment because of actions they took or did not take one has to wonder.”

“I hope that you can join me in an unanimous decision to send a strong message that the Ohio Department of Education and the State Board of Education will not place the safety of our students over the needs of adults. Thank you.”

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Mr. Rudduck stated there were items in the transcript that Mr. Gunlock did not mention such as a history of excellent evaluations by a previous superintendent, a list of positive character references, excellent academic record of the district and the possibility that Mr. Weaver did not know. Mr. Rudduck stated that he did not feel the situation rose to the level of a permanent revocation and would not support the proposed amendment.

Ms. Oakar stated that other school officials should be disciplined in the case as well.

President Terhar stated that as she reviewed the facts in the case, she could not in good conscience revoke Mr. Weaver's license.

Mr. Farmer asked if a compromise could be reached, he felt a revocation was to extreme, but some form of discipline needed to take place. Mr. Gunlock withdrew his motion. Ms. Fowler agreed.

Mr. Gunlock brought forth a new Motion to Amend by Substitution. He Moved to admonish Thomas D. Weaver based upon Mr. Weaver failing to act by not performing a thorough investigation into the incident involving a person using an iPod to video tape members of the girls basketball team while they were changing in a locker room and failing to timely secure the iPod, and by not performing a thorough investigation into the 2009 complaint involving Mr. Galipeau at the Mud Hens game, failing to obtain additional information from the complainant, waiting several months before discussing the concerns with Mr. Galipeau, and failing to report Mr. Galipeau's misconduct to any Old Fort Local School District superintendent. Mr. Farmer Seconded the motion.

Mrs. Vazquez-Skillings asked what actions could be taken by the Board. Ms. Kelly responded that actions could be taken from a letter of admonishment, suspension and revocation.

Ms. Fowler Moved to Amend the Amendment by Substitution. She proposed a three-year suspension retroactive to February 18, 2012. Mr. Gunlock Seconded the motion.

Ms. Fowler stated that she felt a letter of admonishment would indicate that there was not anything significantly wrong with the way the situation was handled.

Mr. Rudduck stated that he had a concern with the proposed amendments extending to Mr. Weaver's teaching license.

Mr. Collins called the question.

President Terhar called for a roll call vote on the proposed Amendment to the Amendment by Ms. Fowler.

### YES VOTES

Tess Elshoff  
Thomas Gunlock

Sarah Fowler

### NO VOTES

Michael Collins  
Joe Farmer  
Mary Rose Oakar  
Debe Terhar

Stephanie Dodd  
Kathleen McGervey  
Ron Rudduck  
Rebecca Vazquez-Skillings

### ABSTAIN

C. Todd Jones

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Motion denied.

President Terhar called for a roll call vote on the proposed amendment by Mr. Gunlock.

**YES VOTES**

Michael Collins	Joe Farmer
Sarah Fowler	Thomas Gunlock
Kathleen McGervey	Mary Rose Oakar
Ron Rudduck	Rebecca Vazquez-Skillings

**NO VOTES**

Stephanie Dodd	Tess Elshoff
Debe Terhar	

**ABSTAIN**

C. Todd Jones

Motion carried.

President Terhar called for a roll call vote on the motion as amended.

**YES VOTES**

Michael Collins	Joe Farmer
Sarah Fowler	Thomas Gunlock
Kathleen McGervey	Mary Rose Oakar
Ron Rudduck	Rebecca Vazquez-Skillings

**NO VOTES**

Stephanie Dodd	Tess Elshoff
Debe Terhar	

**ABSTAIN**

C. Todd Jones

Motion carried.

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Mr. Gunlock presented the following recommendation (Item 18):

**18. MOTION REGARDING 2014-2015 STATE BOARD MEETING DATES**

The Executive Committee **MOVES** that the State Board of Education **ADOPT** the following State Board meeting calendar for August 2014 through July 2015.

**2014-2015 STATE BOARD OF EDUCATION MEETING DATES**

August – No Meeting

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September 8-9, 2014 (Monday/Tuesday)  
October 6-7, 2014 (Monday/Tuesday)  
November 10-11, 2014 (Monday/Tuesday)  
December 8-9, 2014 (Monday/Tuesday)  
January 12-13, 2015 (Monday/Tuesday)  
February 9-10, 2015 (Monday/Tuesday)  
March 9-10, 2015 (Monday/Tuesday)  
April 13-14, 2015 (Monday/Tuesday)  
May 11-12, 2015 (Monday/Tuesday)  
June 8-9, 2015 (Monday/Tuesday)  
July 13-14, 2015 (Monday/Tuesday)

*Adopted by the State Board on February 11, 2014*

NOTE: Meetings may also begin on Sunday.

It was Moved by Mr. Jones and Seconded by Ms. McGervey that the above recommendation (Item 18) be approved.

Mr. Jones Moved to Amend by Substitution. He Moved to change the November meeting dates to November 10-11. Mr. Rudduck Seconded the motion.

President Terhar called for a voice vote.

Motion carried.

President Terhar called for a voice vote on the motion as amended.

Motion carried.

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Mr. Collins presented the following recommendation (Item 19):

**19. RESOLUTION APPOINTING JOHN RICHARD ASSOCIATE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION**

WHEREAS a position of Associate Superintendent of Public Instruction is vacant within the Ohio Department of Education; and

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WHEREAS the State Superintendent of Public Instruction has recommended that this Board appoint John Richard Associate State Superintendent of Public Instruction; and

WHEREAS John Richard is an exemplary education professional who is a dedicated staff member and leader within the Ohio Department of Education, serving as Senior Associate Superintendent for Accountability & Continuous Improvement; and

WHEREAS John Richard possesses the necessary experience, knowledge, and expertise to serve as Associate State Superintendent of Public Instruction: Therefore, Be It

RESOLVED, That John Richard be appointed Associate State Superintendent of Public Instruction.

It was Moved by Mr. Collins and Seconded by Mr. Rudduck that the above recommendation (Item 19) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Michael Collins  
Tess Elshoff  
Sarah Fowler  
C. Todd Jones  
Mary Rose Oakar  
Debe Terhar

Stephanie Dodd  
Joe Farmer  
Thomas Gunlock  
Kathleen McGervey  
Ron Rudduck  
Rebecca Vazquez-Skillings

Motion carried.

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President Terhar presented the following recommendation (Item 20):

**20. RESOLUTION TO APPROVE THE PLAN SUBMITTED BY COLUMBUS CITY SCHOOLS TO RESTRICT ADMISSION TO CERTAIN SCHOOLS IN ACCORDANCE WITH R.C. 3313.982(B).**

R.C. 3313.982(B) states that a district board that wants to start restricting admission to any school on the basis of student academic, athletic, artistic, or other skills, may submit a plan proposing such restricted admission to the state board of education. The state board may approve the plan if the board finds it will generally promote increased educational opportunities for students in the district and will not unduly restrict opportunities for some students.

The Superintendent of Public Instruction **RECOMMENDS** that the State Board of Education **ADOPT** the following Resolution:

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WHEREAS Section 3313.982(B) of the Revised Code permits the State Board of Education to approve a plan allowing a school district to restrict admission to any school based on student academic, athletic, artistic, or other skills; and

WHEREAS on December 20, 2013, Columbus City Schools Superintendent Dan Good, submitted to the Ohio Department of Education (ODE) a plan to limit admissions to Columbus Alternative High School and Eastmoor Academy based on academic ability and Duxberry Park Elementary School, Arts Impact Middle School, and Fort Hayes Arts and Academic High School based on artistic ability; and

WHEREAS this attached plan was discussed by the State Board of Education at its January meeting and, as a result, State Board of Education President asked the State Superintendent of Public Instruction to make a recommendation on whether to accept the plan at the February State Board of Education meeting; and

WHEREAS the Columbus plan will promote increased educational opportunities for high academic achievers by meeting the needs of highly motivated students in a college preparatory curriculum and will promote increased educational opportunities for those with artistic ability by allowing such students access to an integrated arts and academic program; and

WHEREAS the Columbus plan will not unduly restrict opportunities for some students because all five of the schools listed in the Columbus plan are lottery schools, and thus, no student would be displaced from a neighborhood school and the restricted admissions to these lottery schools will for only the first twenty percent of the incoming class, the State Superintendent of Public Instruction recommends the State Board of Education approve the plan: Therefore, Be It

RESOLVED, that the State Board of Education hereby approves Columbus City Schools' plan, which is attached hereto and incorporated herein, as the plan will generally promote increased educational opportunities for students in the district and will not unduly restrict opportunities for some students in accordance with the guidance expressed herein, in accordance with R.C. 3313.982(B).

It was Moved by Mr. Collins and Seconded by Mrs. Elshoff that the above recommendation (Item 20) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Michael Collins  
Tess Elshoff  
Sarah Fowler  
C. Todd Jones  
Mary Rose Oakar  
Debe Terhar

Stephanie Dodd  
Joe Farmer  
Thomas Gunlock  
Kathleen McGervey  
Ron Rudduck  
Rebecca Vazquez-Skillings

Motion carried.

**Old Business**

Ms. Fowler brought to the Board's attention that the resolution from November, 2013, to address concerns raised by a wide range of interested parties related to the content of curriculum and educational materials posted or linked to on the Ohio Department of Education website and to serve as an ongoing reminder of the role and responsibility of Ohio's local boards of education in relation to the selection of curriculum or educational resources for the public schools within their jurisdiction, was not placed on the website in the location specified in the resolution. Mr. Jones asked if it would be best to speak directly with the Superintendent regarding the issue. President Terhar suggested that Ms. Fowler speak directly with Superintendent Ross regarding the situation.

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**New Business**

Mrs. Elshoff presented the following recommendation (Item 21):

**21. RESOLUTION IN SUPPORT OF INSTRUCTION IN CURSIVE WRITING**

WHEREAS Ohio Revised Code Section 3301.079(B)(1) requires the State Board of Education to adopt model curricula for instruction in certain subject areas, including English Language Arts;

WHEREAS the State Board of Education in March 2011 adopted model curricula for all grades in English Language Arts;

WHEREAS the model curricula for English Language Arts, Grades 3 and 4, specifically state that the Ohio Department of Education supports the instruction of cursive writing in the classroom, and indicates that instructional resources and supports for cursive writing will continue to be developed;

WHEREAS schools and school districts are not required to implement the model curricula;

WHEREAS studies and research have shown that instruction in cursive writing develops fine motor skills and improve literacy;

WHEREAS the State Board of Education wishes to emphasize that instruction in cursive writing is important and beneficial for children, and to support boards of education who continue to teach cursive writing as part of their English Language Arts Curriculum: Therefore, Be It

RESOLVED that the State Board of Education hereby adopts this Resolution in Support of Instruction in Cursive Writing, and expresses its support of continued instruction in this skill in the classroom and of the continued development of instructional resources and supports for cursive writing.

It was Moved by Mrs. Elshoff and Seconded by Mr. Jones that the above recommendation (Item 21) be approved.

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Ms. Fowler Moved to Amend the resolution by Substitution. She proposed the following amendments to the above resolution:

### RESOLUTION IN SUPPORT OF INSTRUCTION IN CURSIVE WRITING

WHEREAS Ohio Revised Code Section 3301.079(B)(1) requires the State Board of Education to adopt model curricula for instruction in certain subject areas, including English Language Arts; and

WHEREAS the State Board of Education in March 2011 adopted model curricula for all grades in English Language Arts; and

WHEREAS the ~~model curricula~~ for English Language Arts ~~model curricula~~, ~~Grades 3 and 4~~, specifically state that the Ohio Department of Education supports the instruction of cursive writing in the classroom, and indicates that instructional resources and supports for cursive writing will continue to be developed; and

WHEREAS ~~School districts~~ Local Boards of Education are not required to implement any part of the model curricula but are required by Ohio Revised Code section 3313.60(A)(1) to prescribe curriculum for all schools under their control, including curriculum for instruction in writing (which may include printing, cursive handwriting and keyboarding); and

WHEREAS studies and research have shown that instruction in cursive writing develops fine motor skills and improve literacy;

WHEREAS the State Board of Education wishes to emphasize that instruction in cursive writing is important and beneficial for children, and to support local boards of education who continue to ~~teach~~ incorporate cursive writing as part of their English Language Arts Curriculum: Therefore, Be It

RESOLVED that the State Board of Education hereby adopts this Resolution in Support of Instruction in Cursive Writing, and expresses its support of continued instruction in this skill in the classroom and of the continued development of instructional resources and supports for cursive writing.

Ms. Oakar Seconded the motion.

Mr. Jones proposed and withdrew an Amendment to the Amendment to remove the word 'and' at the end of each Whereas clause.

Mr. Collins asked if Charter Schools were included in this resolution. Ms. Fowler stated that she worded the amendment following the Ohio Revised Code. Mrs. Dodd asked for clarification regarding this issue. Ms. Jennings responded the statute referenced in the resolution applies to public schools and not Community Schools or Chartered Non-Public Schools.

Mr. Farmer stated that the Board is losing focus here and should concentrate on the original motion by Mrs. Elshoff. Ms. Fowler stated she would withdraw her motion and that she just wanted to explain the role of local school boards. Ms. Oakar agreed to withdraw the motion.

Mrs. Dodd Moved to Amend the resolution by Substitution. She moved to change the wording from 'school districts' to 'schools and school districts'. Mr. Collins Seconded the motion.

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President Terhar called for a voice vote on the proposed amendment by Mrs. Dodd.

Motion carried.

Mr. Jones stated he supported this because it is a suggestion on model curricula which he believed is a very important function of the Department.

Ms. Fowler stated she had letters of support from school districts supporting cursive hand writing.

President Terhar called for a voice vote on the resolution as amended.

Motion carried.

Mrs. Elshoff requested the topic be forwarded to the Legislative and Budget Committee for further study.

Mrs. Elshoff spoke to the Board regarding her trip to Washington to be part of a study group of NASBE on rural education.

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Mrs. Dodd Moved to adjourn the meeting. Mr. Farmer Seconded the motion.

The President requested a voice vote.

Motion carried.

President Terhar adjourned the meeting at 3:20 p.m. The next regularly scheduled meeting of the State Board of Education is March 10-11, 2014.

ATTEST:



Debe Terhar  
President  
State Board of Education



Dr. Richard A. Ross  
Superintendent of Public Instruction

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**Please note:** Copies of the attachments referenced in the Minutes may be obtained by contacting the Office of Board Relations at the Ohio Department of Education at (614) 728-2754.

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