

Minutes of the March 2014 Meeting of the State Board of Education of Ohio

STATE BOARD OF EDUCATION OF OHIO

MINUTES

March 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

Ms. McGervey was absent on Monday.

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

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

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

President Terhar convened the Business Meeting of the State Board of Education on Monday, March 10, at 11:30 a.m.

President Terhar asked the Recording Secretary to call the roll.

MEMBERS PRESENT

Deborah Cain	Michael Collins
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Stephanie Dodd
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Mark Smith
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Tess Elshoff
Sarah Fowler
Ann Jacobs
Darryl D. Mehaffie
Ron Rudduck
Debe Terhar

EX OFFICIO MEMBERS

Senator Peggy Lehner

Representative Gerald Stebelton

MEMBERS ABSENT

Kathleen McGervey

NOTE: Mr. Collins 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. Jones Seconded the motion.

The President called for a roll call vote.

YES VOTES

Deborah Cain
Stephanie Dodd
Joe Farmer
Thomas Gunlock
C. Todd Jones
Mary Rose Oakar
Mark Smith
Rebecca Vazquez-Skillings

Michael Collins
Tess Elshoff
Sarah Fowler
Ann Jacobs
Darryl D. Mehaffie
Ron Rudduck
Debe Terhar

Motion carried.

The Board went into Executive Session at 11:45 a.m.

The Board recessed from Executive Session at 12:45 p.m.

President Terhar recessed the State Board Business meeting at 12:45 p.m.

The State Board recessed for lunch.

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The Board's Legislative and Budget Committee met beginning at 1:30 p.m.

Full Board Financial Disclosure Training

The State Board received Financial Disclosure training beginning at 2 p.m.

President Terhar recessed the Board meeting at 2:45 p.m.

President Terhar reconvened the meeting of the State Board of Education on Tuesday, March 11, at 8:30 a.m.

The Board's Operating Standards Committee met beginning at 8:30 a.m.

President Terhar reconvened the Business meeting of the State Board at 10 a.m.

President Terhar asked the Recording Secretary to call the roll.

MEMBERS PRESENT

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

The President called on Kathleen McGervey, 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 February 2014 meeting. She asked if there were any corrections to the Minutes.

There were no corrections.

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

Motion carried unanimously.

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:

Career-Technical Education:

The committee discussed several proposed amendments to Rules (3301-61-04, 3301-61-05, 3301-61-03, 3301-68-01, 3301-61-15) Mr. Nash, Associate Director of Career Technical Education provided background on the proposed amendments, which include rescinding three rules now found to be obsolete by HB 59 and revising two others in order to include career-technical opportunities at the middle school level. Mr. Nash explained the amendments to the rules have been posted for public review and feedback.

Model Curriculum:

The Committee received three presentations from the Office of Curriculum, Instruction and Assessment staff on model curricula work for Financial Literacy, Fine Arts and World languages. Staff explained the development work for financial literacy model curricula included educators and a public feedback opportunity on the financial literacy model curricula is scheduled for April 2014. The model curricula for Fine Arts and World Languages were developed collaboratively with Ohio educators. The model curricula for both subject areas were posted for review in February 2014. Currently, Department staff is reviewing feedback received and will use it to inform the refinements to the final documents. All three model curricula are aligned to their standards and include instructional strategies and resources, and connections to careers.

Committee Discussion:

Mrs. Phillips updated the committee on the TGRG Parent Road Map by explaining communications is conducting final edits, and she stated the department hosted a webinar on the Field Test for the media the week on March 3, 2014.

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:

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.

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Following Committee discussion about rule 3301-37-09, regarding School Food Services, the Committee requested that staff review best practices and determine consistency with the Ohio Department of Job and Family Services childcare rules in relation to language about the use of formula and breast milk.

As a result, two additional revisions were made to rule 3301-37-09 by the Committee, in paragraphs (E)(2) and (E)(4), concerning this topic. The updated proposed amended rule was emailed to Board members on Monday March 10 and is also available in hard copy from staff upon request.

The Committee voted to recommend approval of the revised rules to the Full Board. There is a resolution of intent to adopt the proposed rule changes on the consent agenda this month, and that resolution of intent is to adopt the version of the rules that includes the Capacity Committee changes to rule 3301-37-09, rather than the version of that rule that originally appeared in the Board book.

Discuss OAC chapter 3301-103, Autism Scholarship Program:

The Committee discussed proposed revisions to Chapter 3301-103 of the Administrative Code, regarding the Autism Scholarship Program, which is due for five year review.

The proposed changes serve to make the rules consistent with current practices, align the definition of 'parent' with the definition of 'eligible applicant' as used for the Jon Peterson Scholarship program, the inclusion of professionals able to provide intervention services to students in the program, and to indicate the ability for a parent to use scholarship funds to purchase special education services not listed by the school district in the child's IEP.

The Committee and President Terhar requested several revisions to the proposed amended rules as written, and some clarifications on language contained in the rules. These rules will again be presented to the Committee following a review by the Common Sense Initiative office, at that time for a possible vote.

Discuss Berkshire/Newbury Proposed Consolidation Financial Condition Report:

Department school finance staff led a discussion of financial aspects of the proposed consolidation of the Berkshire and Newbury school districts. Staff will be travelling to both districts to conduct a fiscal analysis to verify the results of the commissioned financial condition report.

A Department state funding analysis that simulated the effects that consolidation would have on the amount of state funding, found that the consolidated district would receive no more or less in calculated funding than the two districts would receive individually. Before making any specific recommendations to the Committee regarding the proposed consolidation, the Department must review specific cost savings plans prepared by the Berkshire and Newbury districts, due to the Department by April 4, 2014.

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 Committee on Urban Education meeting focusing on the following issues:

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- Dr. Richard introduced, Claire Huff-Franklin, as the new Director of the Office of Distress Commission and Ed Reform. She will continue as lead (ownership) of the Urban and Rural Renewal Education Committee.
- Dr. Ross addressed the State of the State focus which was on Drop-Out prevention issues stating that 24,000 students of Ohio dropped out of High School last year. This is an opportunity for the Urban and Rural Renewal Committee to grow and focus on what is planned for the future.
- Dr. Richard introduced Dr. David Estrop, Superintendent of Springfield City Schools and his committee to present their programs on Dropout Prevention and Non-Academic support systems. Their programs may be one of the exemplars used for other districts in the State of Ohio.
- Dr. Estrop and colleagues presented examples from Keifer Academy, Lincoln Elementary School and the Springfield Promise Neighborhood. Each principal and Project Director from each school explained the different support systems they have and mentor. The following are some examples discussed from their school programs:
 - Keifer Academy (Principal Gary Cross)
 - The name of their program is Changing Lives Through Learning
 - 362 students K-12
 - 8 instructional programs under Keifer Academy
 - Positive Results and Progress Measures -Level Value added grade “A”, increased graduation rate for teen moms, increased the number of students graduating, increased the number of parent participation at school events
 - Lincoln Elementary School (Principal Mike Wilson)
 - 426 students in K-6th graders
 - 40% Churn Rate
 - 100% of students qualify for free/reduced lunch
 - Improved Climate
 - Improved Reading Scores
 - Springfield Promise Neighborhood (Project Director, Bob Welker)
 - 4800 residents and parents
 - Afterschool and summer enrichments
 - Preschool
 - One of 64 promise neighborhoods nationally
 - 66 community partners
 - 65 volunteers coming on a weekly basis
- Dr. Richard invited Scott Spears, Director of RTTT, to express ways to sustain support systems.
- Next steps will include:
 - Appalachian Schools presenting next month and how they address non-academic barriers

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:

Joni Hoffman reviewed Rule 3301-102-11 “Dropout prevention and recovery schools’ assessment of growth in student achievement” and 3301-102-12 “Standards for awarding an overall report

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card designation to dropout prevention and recovery community schools.” Joni explained that more data will be available in the summer after the Report Cards are released, and cut scores can be reevaluated and changed at that point. There is currently a closure criteria, but no immediate consequences until the 2015-2016 Report Card. Chair Gunlock asked for a motion to approve the intent to adopt. Mr. Jones motioned, Mrs. Terhar seconded and all committee members voted in agreement – motion passed.

Chris Woolard presented a review of the Gifted Dashboard, explaining that it will be a drill-down component of Report Card. The Gifted Dashboard will be found within the achievement component, but there will be other paths to get to Gifted Dashboard, as well. Chris and Mike Carmack reviewed the list of elements, some of which are things we have now and some that will be added when data is available. Staff will add elements around the Prepared for Success component later.

Matt Cohen led a discussion on the Gifted Indicator. Citing the importance of the task at hand, President Terhar asked for a resolution to form an ad hoc committee to work on the Gifted Indicator. The committee will consist of Tom Ash, Michael Tefs, Jamie Meade, Ann Sheldon, Chris Woolard, Matt Cohen, a designee from Office of Exceptional Children appointed by Dr. Ross, and a designee appointed by Ann Sheldon. Recommendations will be due from the ad hoc committee in May. Mrs. Dodd motioned, Mr. Collins seconded, and all committee members voted in agreement - motion passed.

Chris Woolard reported that the Prepared for Success Measure is reporting summary data on honors diplomas, industry credentials, remediation-free on ACT/SAT, dual enrollment, AP and IB this year. This summary data is being used to calculate a graded measure, while actual grading will happen next year. The Prepared for Success grade is based on four- and five-year cohorts. Options for scoring include: Should AP, IB, and Dual Enrollment bonuses all be equal? How should multiple bonuses per student be handled? Should each student get one bonus? Should there be multiple bonuses for multiple credits?

Chris Woolard discussed combining measures, explaining that what is proposed is a dynamic scoring system. This system 1) Allows for different weights for multiple measures within a component, 2) Addresses thresholds and large ranges (e.g. the difference between a low “A” and a high “B”), and 3) Allows for score differentiation to implement an aligned system of Accountability and directed resources as specified in ESEA waiver. Within components, the committee needs to look at weighting measures. Committee members asked to see 80/20, 75/25, 60/40 and other examples of weighting. Staff will come back next month with these and other data.

BOARD PRESENTATIONS AND DISCUSSION FROM THE LEGISLATIVE AND BUDGET COMMITTEE

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

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

- Jennifer Hogue, Department Legislative Liaison, discussed the following legislation:
 - HB 416 (Burkley, R- Paulding/Hill, R-Zanesville) regarding Calamity Days
 - HB 342 (Brenner, R-Powell) regarding the Straight A Fund
 - HB 193 (Brenner, R-Powell) regarding Graduation Requirements
 - SB 229 (Gardner, R-Bowling Green) regarding Teacher Evaluations

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- Mrs. Hogue also mentioned that the Mid Biennium Review will be released tomorrow. A copy of education sections will be sent to committee members.
- The Committee reconvened to discuss zero tolerance legislation moving through the General Assembly.

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:

- Heard stakeholder feedback from representatives of The Ohio Educational Library Media Association (OELMA).
- OELMA shared their concerns with the “5 of 8 rule “ (OAC 3301-35-05 (3))
- The committee agreed to meet again on 3/25/14 at 11:00AM to have final discussion of Rule 4 and continue discussion of Rule 5

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

Consent Agenda (6); Volume 2

1. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL SCHOOL SPEECH-LANGUAGE PATHOLOGIST LICENSE OF PAULA J. MURPHY-MATE (VOLUME 2, PAGE 4)
2. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE ONE-YEAR EDUCATIONAL AIDE PERMIT OF WILLIAM E. TREACLE, JR. (VOLUME 2, PAGE 6)
3. RESOLUTION OF INTENT TO RESCIND RULES 3301-21-05 TO -07 OF THE ADMINISTRATIVE CODE REGARDING COLLEGES AND UNIVERSITIES PREPARING TEACHERS (VOLUME 2, PAGE 8)
4. RESOLUTION OF INTENT TO AMEND RULE 3301-24-07 OF THE ADMINISTRATIVE CODE ENTITLED PROVISIONAL LICENSE RENEWAL (VOLUME 2, PAGE 18)
5. RESOLUTION OF INTENT TO AMEND RULES 3301-37-01 TO 3301-37-12 OF THE ADMINISTRATIVE CODE REGARDING CHILD DAY CARE PROGRAMS (VOLUME 2, PAGE 21)
6. RESOLUTION OF INTENT TO ADOPT RULE 3301-102-11 OF THE ADMINISTRATIVE CODE ENTITLED DROPOUT PREVENTION AND RECOVERY SCHOOLS' ASSESSMENT OF GROWTH IN STUDENT ACHIEVEMENT AND TO ADOPT RULE 3301-102-12 OF THE ADMINISTRATIVE CODE ENTITLED STANDARDS FOR AWARDED AN OVERALL REPORT CARD DESIGNATION TO DROPOUT PREVENTION AND RECOVERY COMMUNITY SCHOOLS (VOLUME 2, PAGE 65)

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Territory Transfers (1): Volume 2

7. RESOLUTION TO APPROVE THE AGREEMENT BETWEEN THE NORTHMOR LOCAL SCHOOL DISTRICT, MORROW COUNTY, AND THE RIVER VALLEY LOCAL SCHOOL DISTRICT, MARION COUNTY, TO TRANSFER PROPERTY FROM THE NORTHMOR LOCAL SCHOOL DISTRICT TO THE RIVER VALLEY LOCAL SCHOOL DISTRICT. (VOLUME 2, PAGE 71)

Items 8 through 11 were school personnel resolutions.

Administrative Rules (2): Volume 3

12. RESOLUTION TO AMEND RULE 3301-69-03 OF THE ADMINISTRATIVE CODE ENTITLED MEDICAID SCHOOL COMPONENT ADMINISTRATIVE COSTS (VOLUME 3, PAGE 121) (CAPACITY COMMITTEE)
13. RESOLUTION TO AMEND RULES 3301-20-01, 3301-73-02 TO -06, 73-09 TO -17, AND 73-19 TO -26 OF THE ADMINISTRATIVE CODE AND TO ADOPT RULE 3301-73-27 OF THE ADMINISTRATIVE CODE REGARDING THE EDUCATOR DISCIPLINARY PROCESS (VOLUME 3, PAGE 126) (CAPACITY COMMITTEE)

Miscellaneous Resolutions (1): Volume 4

14. RESOLUTION TO APPROVE THE RECOMMENDATION OF THE HEARING OFFICER AND TO CONFIRM THE WEST GEAUGA LOCAL SCHOOL DISTRICT'S DETERMINATION OF IMPRACTICAL TRANSPORTATION OF CERTAIN STUDENTS ATTENDING ST. FRANCIS OF ASSISI SCHOOL, MAYFIELD, OHIO. (VOLUME 4, PAGE 4)

President Terhar called on Mr. Jason Rafeld, Chief Of Staff, to present the Superintendent's report.

Mr. Rafeld briefed the Board on the following topics:

- In the past month, Superintendent Ross participated in school visits to South High School in Franklin City, KIPP Academy, Mansfield Junior High School and Akron Buchtel High School
- Superintendent Ross presented the High Progress School of Honor Award to McDowell Middle School in Pickaway County
- Superintendent Ross supported the Read Across America program with third-graders at Hilliard City Schools
- Superintendent Ross spoke at the Ohio Latino Educational Summit
- Superintendent Ross toured New Knoxville City Schools with Board member Tess Elshoff
- Superintendent and Business Roundtable meetings
- Update on staffing changes at the Department
- Aaron Roush from the Office and Budget and Management will begin working at the Department on the funding formula
- Brad Ingraham as the new Legislative Director and Steve Gratz to fill Career-Tech position
- Connectivity

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This concludes the Superintendent's report.

Ohio YMCA Youth in Government Program

State Board member Stephanie Dodd introduced Mr. Charlie Myers, State Director, Ohio YMCA Youth in Government program, who provided opening remarks to Board members. Mr. Myers then introduced students participating in Youth in Government who spoke about their experiences in the program.

PUBLIC PARTICIPATION ON NONACTION ITEMS

- 1) Mrs. Fati Fuetts, Gahanna. Mrs. Fuetts spoke to the Board regarding the Autism Scholarship.
- 2) Mr. Tom Hess. Mr. Hess spoke to the Board regarding the Autism Scholarship.
- 3) Mr. Patrick Link. Mr. Link spoke to the Board regarding the Autism Scholarship.
- 4) Mrs. Carole Richards, North Coast Tutoring Services. Mrs. Richards spoke to the Board regarding the Autism Scholarship.
- 5) Mrs. Brandi Young, INFOhio. Mrs. Young spoke to the Board regarding School Librarians.

This concludes Public Participation on Nonaction Items.

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

President Terhar presented the following recommendations (Items 1-6) on the Consent Agenda:

1. **RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL SCHOOL SPEECH-LANGUAGE PATHOLOGIST LICENSE OF PAULA J. MURPHY-MATE**

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

WHEREAS Paula J. Murphy-Mate holds a five-year professional school speech-language pathologist license issued in 2009; and

WHEREAS on February 6, 2014, the Ohio Department of Education received a voluntary surrender form from Paula J. Murphy-Mate, which authorizes the State Board to enter an order permanently revoking her five-year professional school speech-language pathologist license issued in 2009 based upon Ms. Murphy-Mate's alleged failure to follow standardized procedures in completing Individual Education Plans [sic] and Evaluation Team Reports; and

WHEREAS the form specifies that Paula J. Murphy-Mate is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

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WHEREAS Paula J. Murphy-Mate has waived her right to a hearing and authorizes the State Board of Education to enter an order permanently revoking her five-year professional school speech-language pathologist 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** Paula J. Murphy-Mate's five-year professional school speech-language pathologist license issued in 2009 based upon Ms. Murphy-Mate's alleged failure to follow standardized procedures in completing Individualized Education Programs and Evaluation Team Reports. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Paula J. Murphy-Mate 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-Mate of this action.

2. **RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE ONE-YEAR EDUCATIONAL AIDE PERMIT OF WILLIAM E. TREACLE, JR.**

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

WHEREAS William E. Treacle, Jr. holds a one-year educational aide permit issued in 2013; and

WHEREAS on February 13, 2014, the Ohio Department of Education received a voluntary surrender form from William E. Treacle, Jr., which authorizes the State Board to enter an order permanently revoking his one-year educational aide permit issued in 2013 based upon Mr. Treacle's non-educationally related communication with a student; and

WHEREAS the form specifies that William E. Treacle, Jr. is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

WHEREAS William E. Treacle, Jr. has waived his right to a hearing and authorizes the State Board of Education to enter an order permanently revoking his one-year educational aide permit issued in 2013: 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** William E. Treacle, Jr.'s one-year educational aide permit issued in 2013 based upon Mr. Treacle's non-educationally related communication with a student. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders William E. Treacle, Jr. 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. Treacle, Jr. of this action.

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3. RESOLUTION OF INTENT TO RESCIND RULES 3301-21-05 TO -07 OF THE ADMINISTRATIVE CODE REGARDING COLLEGES AND UNIVERSITIES PREPARING TEACHERS

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

WHEREAS Section 3319.23 of the Revised Code formerly required the State Board of Education to establish standards and courses of study for the preparation of teachers, and to approve such institutions of higher education that maintain satisfactory training procedures; and

WHEREAS Rules 3301-21-05 to -07 of the Administrative Code established various requirements and processes colleges and universities were required to follow when preparing teachers and other school personnel; and

WHEREAS Section 3333.048 of the Revised Code, as amended by House Bill 1 of the 128th General Assembly in 2009, transferred authority for the approval of institutions of higher education engaged in the preparation of educators and other school personnel to the Chancellor of the Ohio Board of Regents; and

WHEREAS as a result of this transfer of authority, the department's rules are no longer necessary and should be rescinded; and

WHEREAS the Capacity Committee, at its February 2014 meeting, approved the proposed rescission of the rules: Therefore, Be It

RESOLVED, That the State Board of Education hereby declares its intent to rescind Rules 3301-21-05 to -07 of the Administrative Code that 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 rescinded and the same be made available upon request, without charge, to all persons affected by said 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 refiling of the rules 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 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.

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4. RESOLUTION OF INTENT TO AMEND RULE 3301-24-07 OF THE ADMINISTRATIVE CODE ENTITLED PROVISIONAL LICENSE RENEWAL

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

WHEREAS Section 3319.22 of the Revised Code authorizes the State Board of Education to adopt rules establishing standards and requirements for educator licenses of categories, types, and levels the Board elects to provide; and

WHEREAS Rule 3301-24-07 of the Administrative Code, entitled *Provisional license renewal*, describes the requirements to renew a two year provisional license, which was formerly Ohio's beginning teacher license, and which has subsequently been replaced by the resident educator license as Ohio's beginning teacher license; and

WHEREAS although new two year provisional licenses are no longer issued, there is a continuing need for these license holders to be able to renew their provisional licenses if they wish to do so, for which this rule allows; and

WHEREAS the proposed changes to the rule would eliminate references to renewing two year provisional school counselor and principal licenses, which are no longer issued and have been removed as initial licenses from the Administrative Code; and

WHEREAS the proposed changes also clarify that a provisional teaching license is not valid for participation in Ohio's teacher residency program, since participation in that program requires a person to hold a four year resident educator license or alternative resident educator license; and

WHEREAS the Capacity Committee, at its February 2014 meeting, approved the proposed changes to the rule: Therefore, Be It

RESOLVED, That the State Board of Education hereby declares its intent to amend Rule 3301-24-07 of the Administrative Code that 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 said 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

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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 3301-37-01 TO 3301-37-12 OF THE ADMINISTRATIVE CODE REGARDING CHILD DAY CARE PROGRAMS**

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

WHEREAS Section 3301.53 of the Revised Code authorizes the State Board of Education to formulate minimum standards to be applied to preschool programs, including those operated by eligible nonpublic schools; and

WHEREAS Rules 3301-37-01 to 3301-37-12 of the Administrative Code regulate staff roles and responsibilities, indoor and outdoor facility dimensions and qualities, disease prevention and management, discipline policies, and child safety requirements; and

WHEREAS Rules 3301-37-01 to 3301-37-12 of the Administrative Code are proposed to be amended pursuant to the requirements of five-year rule review; and

WHEREAS the proposed changes to the rules reflect recent changes in state law and federal regulations; and

WHEREAS Rules 3301-37-01 to 3301-37-12 of the Administrative Code were subject to the Common Sense Initiative (CSI) process, which requires rules that may have an adverse impact on business to be reviewed by the impacted business community, which, in this case would consist of eligible chartered nonpublic schools; and

WHEREAS the proposed changes to Rules 3301-37-01 to 3301-37-12 of the Administrative Code were reviewed and approved by the Capacity Committee during its March 2014 meeting: Therefore, Be It

RESOLVED, That the State Board of Education hereby declares its intent to amend Rules 3301-37-01 to 3301-37-12 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 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

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revision or refiling of the rules 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 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.

6. RESOLUTION OF INTENT TO ADOPT RULE 3301-102-11 OF THE ADMINISTRATIVE CODE ENTITLED DROPOUT PREVENTION AND RECOVERY SCHOOLS' ASSESSMENT OF GROWTH IN STUDENT ACHIEVEMENT AND TO ADOPT RULE 3301-102-12 OF THE ADMINISTRATIVE CODE ENTITLED STANDARDS FOR AWARDED AN OVERALL REPORT CARD DESIGNATION TO DROPOUT PREVENTION AND RECOVERY COMMUNITY SCHOOLS

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

WHEREAS Section 3314.017 of the Revised Code, as enacted by House Bill 555 of the 129th General Assembly, authorizes the State Board of Education to adopt rules for the purpose of prescribing an academic performance rating and report card system for community schools that primarily serve students enrolled in dropout prevention and recovery programs in lieu of the system prescribed under sections 3302.03 and 3314.012 of the Revised Code and in accordance with applicable state laws and rules governing all community schools; and

WHEREAS the State Board of Education recently adopted Rule 3301-102-10 of the Administrative Code, which establishes both the overall framework for the academic performance rating, benchmark, and report card system and the indicators that are used to rate the performance of dropout prevention and recovery programs; and

WHEREAS proposed Rule 3301-102-11 of the Administrative Code would require dropout prevention and recovery community schools to report assessment data to measure growth in student achievement in reading and in mathematics pursuant to the development of the dropout prevention and recovery academic performance rating and report card system as required under section 3314.017 of the Revised Code and described in Rule 3301-102-10 of the Administrative Code; and

WHEREAS proposed Rule 3301-102-12 of the Administrative Code would establish the standards for awarding an overall report card designation to dropout prevention and recovery community schools; and

WHEREAS stakeholder input was solicited through various means, which included an interactive stakeholder feedback session to solicit discussion and feedback, and various internal and external meetings, conference calls and web-postings; and

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WHEREAS the Accountability Committee, at its March 2014 meeting, voted to recommend to the State Board of Education adoption of proposed Rules 3301-102-11 and 3301-102-12 of the Administrative Code: Therefore, Be It

RESOLVED, That the State Board of Education hereby declares its intent to adopt Rules 3301-102-11 and 3301-102-12 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 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 and the same be made available upon request, without charge, to all persons affected by said 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 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 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 Mr. Mehaffie and Seconded by Mr. Rudduck that the Consent Agenda (Items 1-6) be approved.

President Terhar called for a roll call vote.

YES VOTES

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

Motion carried.

President Terhar presented the following recommendation (Item 7):

- 7. RESOLUTION TO APPROVE THE AGREEMENT BETWEEN THE NORTHMOR LOCAL SCHOOL DISTRICT, MORROW COUNTY, AND THE RIVER VALLEY LOCAL SCHOOL DISTRICT, MARION COUNTY, TO**

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TRANSFER PROPERTY FROM THE NORTHMOR LOCAL SCHOOL DISTRICT TO THE RIVER VALLEY LOCAL SCHOOL DISTRICT.

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

WHEREAS a petitioner initiated a proposed transfer of territory from the Northmor Local School District, Morrow County, to the River Valley Local School District, Marion County, in accordance with Ohio Revised Code section 3311.24; and

WHEREAS the petition was submitted to the Ohio Department of Education by the Northmor Local School District in accordance with Ohio Revised Code section 3311.24; and

Whereas the Northmor Local School District has passed a resolution approving the transfer of the territory to the River Valley Local School District; and

WHEREAS the Northmor Local School District and the River Valley Local School District have agreed to the transfer of the subject property in a written agreement; and

WHEREAS in accordance with Ohio Administrative Code section 3301-89-02(A)(6), upon receipt of a negotiated agreement, the State Board of Education shall adopt a resolution of approval of the negotiated agreement or may establish a hearing if approval is not granted: Therefore, Be It

RESOLVED, That upon consideration of the agreement between the two districts, which is attached hereto and incorporated herein, the State Board of Education hereby approves the agreement between the Northmor Local School District and the River Valley Local School District to transfer territory from the Northmor Local School District to the River Valley Local School District; and, Be It

FURTHER RESOLVED, that the State Superintendent of Public Instruction be, and he hereby is, directed to serve a true copy of this resolution on the Boards of Education of the Northmor Local School District and the River Valley Local School District, and counsel of record, if applicable.

It was Moved by Mrs. Cain and Seconded by Ms. Fowler that the above recommendation (Item 7) be approved.

President Terhar called for a roll call vote.

YES VOTES

Deborah Cain
Stephanie Dodd
Joe Farmer
Thomas Gunlock
Kathleen McGervey
Mary Rose Oakar
Mark Smith

Michael Collins
Tess Elshoff
Sarah Fowler
Ann Jacobs
Darryl D. Mehaffie
Ron Rudduck
Debe Terhar

Motion carried.

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

8. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE PERMANENTLY THE PERMANENT EDUCATION OF THE HANDICAPPED TEACHING CERTIFICATE OF JON M. CULBERTSON

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

WHEREAS Jon M. Culbertson holds a permanent education of the handicapped teaching certificate issued in 2001; and

WHEREAS on January 2, 2013, the Acting State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Jon M. Culbertson of its intent to determine whether to limit, suspend, revoke, or permanently revoke his permanent education of the handicapped teaching certificate issued in 2001 pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(c). The notice was based upon Mr. Culbertson's 2012 conviction in the Franklin County Common Pleas Court for one misdemeanor count of forgery and one misdemeanor count of identity fraud and 2008 conviction in the Franklin County Common Pleas Court for one misdemeanor count of insurance fraud; and

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

WHEREAS a hearing was held on October 16, 2013; and

WHEREAS Mr. Culbertson was not present at the hearing, nor did counsel represent him; and

WHEREAS the hearing officer recommends that Mr. Culbertson's certificate be revoked and he be permanently ineligible to apply for any license issued by the State Board of Education. The hearing officer's recommendation is based upon Mr. Culbertson's multiple acts of dishonesty making him a risk to return to the school community: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(c), hereby **REVOKES** Jon M. Culbertson's permanent education of the handicapped teaching certificate issued in 2001 based upon Mr. Culbertson's 2012 conviction in the Franklin County Common Pleas Court for one misdemeanor count of forgery and one misdemeanor count of identity fraud and 2008 conviction in the Franklin County Common Pleas Court for one misdemeanor count of insurance fraud. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Jon M. Culbertson 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. Culbertson of this action.

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It was Moved by Mr. Collins and Seconded by Mr. Mehaffie that the above recommendation (Item 8) be approved.

President Terhar called for a roll call vote.

YES VOTES

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

Motion carried.

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

9. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE PERMANENTLY THE PERMANENT NON-TAX TEACHING CERTIFICATE OF PATRICK S. MEYER

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

WHEREAS Patrick S. Meyer holds a permanent non-tax teaching certificate issued in 1990; and

WHEREAS on July 29, 2013, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Patrick S. Meyer of its intent to determine whether to limit, suspend, revoke, or permanently revoke his permanent non-tax teaching certificate issued in 1990 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Meyer failing to maintain appropriate student-teacher boundaries in 2012 when he had a student alone in his car on multiple occasions and placed his hand on the student's leg, touched and/or held the student's hand at school, sent text messages and an email to the student, and continued to contact the student at least ten times via text messages and email after the student's parent told him to stop. Further, Mr. Meyer failed to maintain appropriate student-teacher boundaries with a second student in 2012 when he placed his arm on the student's shoulder and moved his hand down to the student's hip, and he failed to maintain appropriate student-teacher boundaries in 2007 when he touched two other female students on the arm, back, and shoulder; and

WHEREAS Mr. Meyer did not request a hearing regarding the State Board's intent; and

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WHEREAS a hearing was held on December 12, 2013; and

WHEREAS Mr. Meyer was not present at the hearing, nor did counsel represent him; and

WHEREAS the hearing officer recommends that Mr. Meyer's certificate be revoked and he be permanently ineligible to apply for any license issued by the State Board of Education. The hearing officer's recommendation is based upon Mr. Meyer not displaying an understanding of the professional relationship that educators must maintain with students at all times, both in and out of the classroom: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Patrick S. Meyer's permanent non-tax teaching certificate issued in 1990 based upon Mr. Meyer failing to maintain appropriate student-teacher boundaries in 2012 when he had a student alone in his car on multiple occasions and placed his hand on the student's leg, touched and/or held the student's hand at school, sent text messages and an email to the student, and continued to contact the student at least ten times via text messages and email after the student's parent told him to stop. Further, Mr. Meyer failed to maintain appropriate student-teacher boundaries with a second student in 2012 when he placed his arm on the student's shoulder and moved his hand down to the student's hip. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Patrick S. Meyer 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. Meyer of this action.

It was Moved by Mrs. Dodd and Seconded by Dr. Smith that the above recommendation (Item 9) be approved.

President Terhar called for a roll call vote.

YES VOTES

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

Motion carried.

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

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10. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO DENY THE FIVE-YEAR PROFESSIONAL PRINCIPAL LICENSE APPLICATION AND TO SUSPEND THE FIVE-YEAR PROFESSIONAL COMPREHENSIVE HIGH SCHOOL TEACHING LICENSE AND THREE-YEAR PUPIL ACTIVITY PERMIT OF DAVID A. REIMAN

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

WHEREAS David A. Reiman has applied for a five-year professional principal license, and holds a five-year professional comprehensive high school teaching license issued in 2011 and three-year pupil activity permit issued in 2011; and

WHEREAS on September 11, 2013, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified David A. Reiman of its intent to deny or permanently deny his application for a five-year professional principal license, and to suspend, limit, revoke, or permanently revoke his five-year professional comprehensive high school teaching license issued in 2011 and three-year pupil activity permit issued in 2011 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Reiman's 2012 conviction in the Medina Municipal Court for one minor misdemeanor count of disorderly conduct and 2012 conviction in the Parma Municipal Court for one misdemeanor count of telephone harassment; and

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

WHEREAS a hearing was held on September 26, 2013; and

WHEREAS Mr. Reiman was present at the hearing and was represented by counsel; and

WHEREAS the hearing officer recommends that Mr. Reiman's application be denied and he be ineligible to apply for a principal license for three years. Further, the hearing officer recommends that Mr. Reiman's licenses be suspended indefinitely, but not more than three years, with the second and third years of the suspensions to be stayed if Mr. Reiman successfully completes a fitness to teach evaluation that verifies he is fit to return to the classroom. If the suspensions are stayed, the hearing officer recommends that Mr. Reiman's teaching license and pupil activity permit be subject to the following probationary conditions for a period of five years: Mr. Reiman shall fully cooperate with the State Board or its designee regarding his compliance with the State Board's order; Mr. Reiman shall abstain from the use, possession, or consumption of alcohol and non-prescribed drugs; Mr. Reiman shall participate in an alcohol/drug rehabilitation program approved by the State Board or its designee at least three times per week, or as otherwise directed by the State Board or its designee, and provide documentation of continued participation to the State Board or its designee; Mr. Reiman shall appear before the State Board or its designee as requested by the State Board or its designee; and Mr. Reiman shall obey all federal, state, and local laws and rules governing those holding educator licenses in Ohio. The hearing officer's recommendation is based upon the need to address Mr. Reiman's criminal activity and inappropriate conduct while giving him an opportunity to eventually continue what appears to be a good academic and administrative career yet still ensuring the health, safety, and welfare of his future students and school system; and

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **DENIES** David A. Reiman's application for a five-year professional principal license, and **SUSPENDS** Mr. Reiman's five-year professional comprehensive high school teaching license issued in 2011 and three-year pupil activity permit issued in 2011 with the suspensions to begin on March 11, 2014. The period of the suspensions will be indefinite, but not more than three years, with the second and third years of the suspensions to be stayed if Mr. Reiman successfully completes a fitness to teach evaluation, at his own expense, with the evaluation to be conducted by a licensed psychologist pre-approved by the Ohio Department of Education. The fitness to teach evaluation must verify that Mr. Reiman is fit to return to the classroom. If the suspensions are stayed, Mr. Reiman's teaching license and pupil activity permit shall be limited by the following probationary conditions for a period of five years: Mr. Reiman shall fully cooperate with the State Board or its designee regarding his compliance with the State Board's order; Mr. Reiman shall abstain from the use, possession, or consumption of alcohol and non-prescribed drugs; Mr. Reiman shall participate in an alcohol/drug rehabilitation program approved by the State Board or its designee at least three times per week, or as otherwise directed by the State Board or its designee, and provide documentation of his continued participation to the State Board or its designee as requested; Mr. Reiman shall appear before the State Board or its designee as requested by the State Board or its designee; and Mr. Reiman shall obey all federal, state, and local laws and rules governing those holding educator licenses in Ohio. The suspensions shall remain stayed as long as Mr. Reiman remains in compliance with the preceding limitations on his license and permit. The denial of Mr. Reiman's application and the suspensions and limitations placed on his license and permit are based upon Mr. Reiman's 2012 conviction in the Medina Municipal Court for one minor misdemeanor count of disorderly conduct and 2012 conviction in the Parma Municipal Court for one misdemeanor count of telephone harassment. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(a) and Section 3319.31 of the Ohio Revised Code, orders that David A. Reiman be ineligible to apply for any principal's license issued by the State Board of Education for a period of three years and shall be ineligible to apply for any other type of license issued by the State Board of Education until the suspensions on his license and permit are stayed or the suspensions end, whichever occurs first; and, Be It Further

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

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

Mrs. Dodd Moved to Amend the resolution by Substitution. She proposed the following changes:

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **DENIES** David A. Reiman's application for a five-year

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professional principal license, and SUSPENDS Mr. Reiman's five-year professional comprehensive high school teaching license issued in 2011 and three-year pupil activity permit issued in 2011 for three years with the suspensions to begin on March 11, 2014. The suspensions will be stayed and will remain stayed provided Mr. Reiman complies with the following limitations for a period of three years: Mr. Reiman shall complete, at his own expense, a fitness to teach evaluation, performed by a licensed psychologist pre-approved by the State Board or its designee, by June 30, 2014; Mr. Reiman shall fully cooperate with the State Board or its designee regarding his compliance with the State Board's order; Mr. Reiman shall abstain from the use, possession, or consumption of alcohol and non-prescribed drugs; Mr. Reiman shall participate in an alcohol/drug rehabilitation program approved by the State Board or its designee at least three times per week, or as otherwise directed by the State Board or its designee, and provide documentation of continued participation to the State Board or its designee; Mr. Reiman shall appear before the State Board or its designee as requested by the State Board or its designee; and Mr. Reiman shall obey all federal, state, and local laws and rules governing those holding educator licenses in Ohio. The denial of Mr. Reiman's application and the suspensions and limitations placed on his license and permit are based upon Mr. Reiman's 2012 conviction in the Medina Municipal Court for one minor misdemeanor count of disorderly conduct and 2012 conviction in the Parma Municipal Court for one misdemeanor count of telephone harassment. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(a), orders that David A. Reiman be ineligible to apply for any principal's license issued by the State Board of Education until March 11, 2015. Ms. Oakar Seconded the motion.

Mrs. Dodd stated that she read where Mr. Reiman received very-good reviews and received supportive testimony from colleagues.

Ms. Jacobs stated she would support the proposed motion and noted the situation did not involve his being an educator.

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

YES VOTES

Deborah Cain	Michael Collins
Stephanie Dodd	Tess Elshoff
Joe Farmer	Sarah Fowler
Ann Jacobs	Kathleen McGervey
Darryl D. Mehaffie	Mary Rose Oakar
Ron Rudduck	Debe Terhar

NO VOTES

Thomas Gunlock
Mark Smith

Motion carried.

Dr. Smith cautioned the Board that overturning the recommendations of the Hearing Officer and legal team presented to the community an opportunity for legal challenge.

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

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YES VOTES

Deborah Cain
Stephanie Dodd
Joe Farmer
Ann Jacobs
Darryl D. Mehaffie
Ron Rudduck

Michael Collins
Tess Elshoff
Sarah Fowler
Kathleen McGervey
Mary Rose Oakar
Debe Terhar

NO VOTES

Thomas Gunlock

Mark Smith

Motion carried.

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

11. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE THE FIVE-YEAR PROFESSIONAL HIGH SCHOOL PRINCIPAL LICENSE, FIVE-YEAR PROFESSIONAL HIGH SCHOOL TEACHING LICENSE, AND THREE-YEAR PUPIL ACTIVITY PERMIT OF JAY A. TYREE

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

WHEREAS Jay A. Tyree holds a five-year professional high school principal license issued in 2009, five-year professional high school teaching license issued in 2009, and three-year pupil activity permit issued in 2010; and

WHEREAS on July 1, 2013, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Jay A. Tyree of its intent to determine whether to limit, suspend, revoke, or permanently revoke his five-year professional high school principal license issued in 2009, five-year professional high school teaching license issued in 2009, and three-year pupil activity permit issued in 2010 pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(a), and (B)(2)(c). The notice was based upon Mr. Tyree's 2011 guilty plea in the United States District Court, Northern District of Ohio, Eastern Division, to one felony count of conspiracy to commit bank fraud and to make false statements to influence a bank to make a loan; and

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

WHEREAS a hearing was held on November 26, 2013; and

WHEREAS Mr. Tyree was present at the hearing, but he was not represented by counsel; and

WHEREAS the hearing officer recommends that Mr. Tyree's licenses be revoked and he be eligible to apply for a new license on or after July 1, 2015, provided that Mr. Tyree remains in compliance with the terms of his probation and makes monthly restitution payments as required by the sentencing court in his criminal

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case. The hearing officer's recommendation is based upon the serious nature of the crime that Mr. Tyree committed being mitigated by both his lack of any other criminal convictions and the strong support of Judge Adams who presided over Mr. Tyree's criminal case: 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)(c), hereby **REVOKES** Jay A. Tyree's five-year professional high school principal license issued in 2009, five-year professional high school teaching license issued in 2009, and three-year pupil activity permit issued in 2010 based upon Mr. Tyree's 2011 guilty plea in the United States District Court, Northern District of Ohio, Eastern Division, to one felony count of conspiracy to commit bank fraud and to make false statements to influence a bank to make a loan. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that Jay A. Tyree be ineligible to apply for any license issued by the State Board of Education on or after July 1, 2015 provided that Mr. Tyree submits proof to the Ohio Department of Education that he remains in compliance with the terms of his probation, including making monthly restitution payments as required by the sentencing court in his criminal case; and, Be It Further

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

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

President Terhar called for a roll call vote.

YES VOTES

Deborah Cain	Michael Collins
Stephanie Dodd	Tess Elshoff
Joe Farmer	Sarah Fowler
Ann Jacobs	Kathleen McGervey
Darryl D. Mehaffie	Mary Rose Oakar
Ron Rudduck	Mark Smith
Debe Terhar	

NO VOTES

Thomas Gunlock

Motion carried.

Mr. Gunlock presented the following recommendation (Item 12):

- 12. RESOLUTION TO AMEND RULE 3301-69-03 OF THE ADMINISTRATIVE CODE ENTITLED MEDICAID SCHOOL COMPONENT ADMINISTRATIVE COSTS**

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

WHEREAS Section 5162.363 of the Revised Code requires the Ohio Department of Education to establish, in rules adopted under section 5162.02 of the Revised Code, a process by which qualified Medicaid school providers participating in the Medicaid school component pay to the department the nonfederal share of the department's expenses incurred in administering the component; and

WHEREAS Rule 3301-69-03 of the Administrative Code is being amended pursuant to the requirements of five-year rule review; and

WHEREAS House Bill 59 of the 130th General Assembly renumbered several Revised Code sections that are referenced throughout Rule 3301-69-03 of the Administrative Code and the proposed changes to the rule reflect this change in law; and

WHEREAS the Capacity Committee, during its December 2013 meeting, voted to recommend adoption of the proposed changes to the rule to the State Board of Education; and

WHEREAS during its December 2013 business meeting, the State Board of Education adopted a Resolution of Intent to amend the rule subject to this resolution; and

WHEREAS on February 10, 2014, the State Board of Education held a public hearing concerning the proposed amending of the rule subject to this resolution; and

WHEREAS on February 25, 2014, the Joint Committee on Agency Rule Review held a hearing on the proposed amending of the rule subject to this resolution during which the committee took no action on the rule: Therefore, Be It

RESOLVED, That the State Board of Education hereby amends Rule 3301-69-03 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 complete the process of amending the rule by filing with the Secretary of State, Legislative Service Commission, and the Joint Committee on Agency Rule Review, the full text of the rule and that the same be made available on request, without charge, to all persons affected by the rule.

It was Moved by Mr. Gunlock that the above recommendation (Item 12) be approved.

President Terhar called for a roll call vote.

YES VOTES

Deborah Cain
Stephanie Dodd
Joe Farmer
Thomas Gunlock

Michael Collins
Tess Elshoff
Sarah Fowler
Ann Jacobs

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Kathleen McGervey
Mary Rose Oakar
Mark Smith

Darryl D. Mehaffie
Ron Rudduck
Debe Terhar

Motion carried.

Mr. Gunlock presented the following recommendation (Item 13):

13. RESOLUTION TO AMEND RULES 3301-20-01, 3301-73-02 TO -06, 73-09 TO -17, AND 73-19 TO -26 OF THE ADMINISTRATIVE CODE AND TO ADOPT RULE 3301-73-27 OF THE ADMINISTRATIVE CODE REGARDING THE EDUCATOR DISCIPLINARY PROCESS

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

WHEREAS Section 3319.39 of the Revised Code requires the State Board of Education to adopt rules specifying the circumstances under which a board or governing authority may hire a person who has been convicted of certain offenses but who meets standards in regard to rehabilitation; and

WHEREAS Section 3319.31 of the Revised Code authorizes the State Board of Education to adopt rules regarding investigation of educator misconduct and the denial, limitation, suspension, or revocation of any license issued by the State Board of Education; and

WHEREAS the rules subject to this resolution regarding the educator disciplinary process are proposed to be amended pursuant to the requirements of five-year rule review; and

WHEREAS the proposed amendments to the rules would

- Streamline the rules by adding definitions to replace often-repeated language and phrases;
- Simplify the rules by using applicable statutory cites instead of repeating statutory language verbatim;
- Clarify that confidential information will be redacted from public records;
- Update the procedure for using pre-hearing conferences to schedule hearing dates and to discuss other hearing-related matters;
- Adopt the current practice of allowing witnesses to testify by video, telephonic, or other electronic means in certain circumstances;
- Reflect the current procedure for resolving a case prior to an administrative hearing through the negotiation of a letter of admonishment;
- Adopt the current procedure regarding motions to strike objections when the objections contain additional evidence not submitted during the administrative hearing; and
- Clarify the procedure for evaluating applications after a prior disciplinary action.

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WHEREAS proposed new Rule 3301-73-27 of the Administrative Code details time limits involved in the educator disciplinary process and addresses computation of time; and

WHEREAS the Capacity Committee, during its October 2013 meeting, voted to recommend the rules proposed to be amended and adopted to the State Board of Education; and

WHEREAS during its November 2013 business meeting, the State Board of Education adopted a Resolution of Intent to amend and adopt the rules subject to this resolution; and

WHEREAS on February 10, 2014, the State Board of Education held a public hearing concerning the proposed amending and adoption of the rules subject to this resolution; and

WHEREAS on February 25, 2014, the Joint Committee on Agency Rule Review held a hearing on the proposed amending and adoption of rules subject to this resolution during which the committee took no action on the rules: Therefore, Be It

RESOLVED, That the State Board of Education hereby amends Rules 3301-20-01, 3301-73-02 to -06, 73-09 to -17, and 73-19 to -26 of the Administrative Code and hereby adopts Rule 3301-73-27 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 complete the process of amending and adopting the rules by filing with the Secretary of State, Legislative Service Commission, and the Joint Committee on Agency Rule Review, the full text of the rules and that the same be made available on request, without charge, to all persons affected by the rules.

It was Moved by Mr. Gunlock that the above recommendation (Item 13) be approved.

President Terhar called for a roll call vote.

YES VOTES

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	

Motion carried.

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President Terhar presented the following recommendation (Item 14):

- 14. RESOLUTION TO APPROVE THE RECOMMENDATION OF THE HEARING OFFICER AND TO CONFIRM THE WEST GEAUGA LOCAL SCHOOL DISTRICT'S DETERMINATION OF IMPRACTICAL TRANSPORTATION OF CERTAIN STUDENTS ATTENDING ST. FRANCIS OF ASSISI SCHOOL, MAYFIELD, OHIO.**

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

WHEREAS Sections 3327.01 and 3327.02 of the Revised Code authorize a city, local, or exempted village board of education to make a determination that transporting certain school-age residents is unnecessary, unreasonable, or impractical; and

WHEREAS such a determination is not effective until confirmed by the State Board of Education; and

WHEREAS in compliance with procedures adopted by the State Board of Education on July 12, 1982, regarding payment in lieu of transportation, the West Geauga Local School District has requested that the State Board of Education confirm the school district's determination that it is impractical to transport certain students to St. Francis of Assisi School in Mayfield, Ohio;

WHEREAS on June 11, 2013, the State Board of Education resolved its intent to consider the confirmation of the West Geauga Local School District Board of Education's determination and notified the parties of their right to a hearing; and

WHEREAS a hearing was held on the matter before a duly appointed hearing officer; and

WHEREAS on November 14, 2013, the hearing officer issued a report and recommendation recommending that the State Board of Education confirm the determination of the West Geauga Local School District Board of Education that such transportation is impractical; and

WHEREAS one of the parents filed objections to the hearing officer's report and recommendation on December 2, 2013 and no response to those objections were filed; and

WHEREAS attached hereto and incorporated by reference for consideration is the hearing officer's report and recommendation and the parent's objections; and

WHEREAS the State Board of Education has duly considered the report and recommendation of the hearing officer, and the objections: Therefore, Be It

RESOLVED, that the State Board of Education approves the recommendation of the hearing officer and does hereby confirm the determination of the West Geauga Local School District Board of Education that transportation is impractical for certain students who attend St. Francis of Assisi School in Mayfield; and Be It

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FURTHER RESOLVED that the Superintendent of Public Instruction be, and he hereby is, directed to notify the West Geauga Local School District, the parents, and counsel of record, if applicable, of this action.

It was Moved by Mr. Rudduck and Seconded by Mr. Mehaffie that the above recommendation (Item 14) be approved.

Ms. McGervey Moved to Amend the resolution by Substitution. She proposed the following change:

RESOLVED, that upon consideration of the hearing officer's report and recommendation and the parent's objections, the State Board of Education hereby disapproves the recommendation of the hearing officer on the basis that, after having examined the evidence, the State Board of Education rejects the hearing officer's finding of fact that the evidence does not support the parents' argument that West Geauga did not quantify or present specific calculations relating to each of the factors that must be considered under statute, and that the district therefore did not consider these factors. The State Board of Education also rejects portions of Findings of Fact #14 and 15 to the extent that any of these findings state that reliable, probative and substantial evidence exists as to the increased cost to the District or that the District considered all of the statutorily required factors in making its decision. The State Board of Education finds that the evidence does not include any quantification of the additional cost of transporting these students or the distance travelled in order to transport these students. Before determining that transportation is impractical, a school district must consider each of the factors set forth in R.C. 3327.02 and the school district bears the burden of proof of demonstrating its compliance with the statute in a hearing concerning the declaration of impracticability. In the absence of evidence concerning the quantification of cost and distance travelled, the school district did not meet its burden of proof at the hearing.

Based upon its findings concerning the evidence surrounding the quantification of cost and distance travelled, the State Board of Education rejects the report and recommendation of the hearing officer, and declines to confirm the determination of the West Geauga Local School District Board of Education that transportation is impractical for certain students who attend St. Francis of Assisi School in Mayfield. Ms. Fowler Seconded the motion.

Ms. McGervey stated she felt West Geauga failed to make a convincing case and lacked supporting data.

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

YES VOTES

Deborah Cain
Stephanie Dodd
Sarah Fowler
Ann Jacobs
Kathleen McGervey
Mary Rose Oakar
Mark Smith

Michael Collins
Tess Elshoff
Thomas Gunlock
C. Todd Jones
Darryl D. Mehaffie
Ron Rudduck
Debe Terhar

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NO VOTES

Joe Farmer

Motion carried.

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

YES VOTES

Deborah Cain

Stephanie Dodd

Joe Farmer

Thomas Gunlock

C. Todd Jones

Darryl D. Mehaffie

Ron Rudduck

Debe Terhar

Michael Collins

Tess Elshoff

Sarah Fowler

Ann Jacobs

Kathleen McGervey

Mary Rose Oakar

Mark Smith

Motion carried.

Non-Resolutions

New Business

President Terhar announced the possibility of ending catering of lunches at Board meetings and asked Board members for a consensus regarding the issue. After a voice vote, the Board reached consensus to cease catering of Board meeting lunches.

President Terhar announced the changing of Public Participation at Board meetings to Tuesday mornings of Board meetings. Ms. Oakar and Ms. Fowler stated constituents in their districts had long drives to Columbus and asked that Board leadership consider that in the time constituents would be required to speak.

Ms. Oakar spoke of the impending loss of key senior staff and the extended timeframe that Department employees have not received an increase in compensation.

Mr. Rudduck Moved to adjourn the meeting. Mr. Farmer Seconded the motion.

The President requested a voice vote.

Motion carried.

President Terhar adjourned the meeting at 3:10 p.m. The next regularly scheduled meeting of the State Board of Education is April 14-15, 2014.

ATTEST:

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Debe Terhar
President
State Board of Education



Dr. Richard A. Ross
Superintendent of Public Instruction

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.