

**Minutes of the April 2013 Meeting of the State Board of Education of Ohio**

**STATE BOARD OF EDUCATION OF OHIO**

**MINUTES**

April 2013

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

**MEMBERS OF THE STATE BOARD OF EDUCATION**

Angela Thi Bennett  
Michael Collins  
Tess Elshoff  
Sarah Fowler  
Ann Jacobs  
Kathleen McGervey  
Jeffrey Mims  
Mark Smith  
Bryan C. Williams

Deborah Cain  
Stephanie Dodd  
Joe Farmer  
Thomas Gunlock  
C. Todd Jones  
Darryl D. Mehaffie  
Mary Rose Oakar  
Debe Terhar

**EX OFFICIO MEMBERS**

Senator Peggy Lehner

Representative Gerald Stebelton

**SECRETARY**

Dr. Richard A. Ross  
Superintendent of Public Instruction

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The State Board convened on Monday, April 8, at the Ohio Department of Education in Columbus.

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**Swearing-In Ceremony by Justice  
Sharon Kennedy, Supreme Court of Ohio**

**OATH OF OFFICE**

At 9:15 a.m., Supreme Court Justice, Justice Sharon Kennedy, The Supreme Court of Ohio, administered the Oath of Office to Dr. Richard A. Ross, as the 37<sup>th</sup> Superintendent of Public Instruction for Ohio.

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The Board's Achievement, Capacity and Committee on Urban Education met beginning at 9:30 a.m.

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**Minutes of the April 2013 Meeting of the State Board of Education of Ohio**

President Terhar convened the Business Meeting of the State Board of Education on Monday, April 8, at 11 a.m.

President Terhar asked the Recording Secretary to call the roll.

**MEMBERS PRESENT**

Angela Thi Bennett	Deborah Cain
Michael Collins	Stephanie Dodd
Tess Elshoff	Joe Farmer
Sarah Fowler	Thomas Gunlock
Ann Jacobs	C. Todd Jones
Darryl D. Mehaffie	Jeffrey Mims
Mary Rose Oakar	Mark Smith
Debe Terhar	Bryan C. Williams

**EX OFFICIO MEMBERS**

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

Kathleen McGervey

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. Mims Seconded the motion.

The President called for a roll call vote.

**YES VOTES**

Angela Thi Bennett	Deborah Cain
Michael Collins	Stephanie Dodd
Tess Elshoff	Joe Farmer
Sarah Fowler	Thomas Gunlock
Ann Jacobs	C. Todd Jones
Darryl D. Mehaffie	Jeffrey Mims
Mary Rose Oakar	Mark Smith
Debe Terhar	Bryan C. Williams

Motion carried.

The Board went into Executive Session at 11:15 a.m.

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

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The State Board recessed for lunch.

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## Chapter 119 Hearing

April 8, 2013  
1 p.m.

### Hearing Regarding the Amending, Rescinding and Adoption of Rules

Adoption of Rule 3301-102-09 of the Administrative Code entitled *Approving applications for new internet- or computer-based community schools*

#### MEMBERS PRESENT

Angela Thi Bennett	Deborah Cain
Michael Collins	Stephanie Dodd
Tess Elshoff	Joe Farmer
Sarah Fowler	Thomas Gunlock
Ann Jacobs	C. Todd Jones
Kathleen McGervey	Darryl D. Mehaffie
Jeffrey Mims	Mary Rose Oakar
Mark Smith	Debe Terhar
Bryan C. Williams	

President Terhar stated the Board would proceed with the public hearing on the following rule actions: Adoption of Rule 3301-102-09 of the Administrative Code entitled *Approving applications for new internet- or computer-based community schools*.

The President called on Assistant Attorney General, Jennifer Bondurant. Ms. Bondurant 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 action subject to this hearing;

Board Exhibit 2 would be a true and accurate copy of the Resolution of Intent adopted by the State Board of Education declaring its intent to adopt the rule subject to this public hearing;

Board Exhibit 3 would be a true and accurate copy of the rule subject to this hearing that was originally filed with Joint Committee on Agency Rule Review (JCARR), Legislative Service Commission (LSC), and the Secretary of State on February 28, 2013.

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 4.

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President Terhar announced that the Board would now receive testimony on the proposed adoption of Rule 3301-102-09 of the Administrative Code entitled *Approving applications for new internet- or computer-based community schools*.

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### **PUBLIC TESTIMONY ON THE PROPOSED ADOPTION OF RULE 3301-102-09 OF THE ADMINISTRATIVE CODE ENTITLED *APPROVING APPLICATIONS FOR NEW INTERNET- OR COMPUTER-BASED COMMUNITY SCHOOLS*.**

There were no requests.

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President Terhar called on Ms. Bondurant, who submitted into evidence State Board Exhibits 1 through 3.

The President stated that the exhibits were so received. As there was no more testimony, she declared the public hearing closed at 1:10 p.m.

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### **Full Board Hearing on *Achievement Everywhere* Funding Plan**

#### **Presenters:**

Barbara Mattei-Smith, Assistant Policy Director for the Governor's Office of 21<sup>st</sup> Century Education  
Chris Burrows, Superintendent, Georgetown Exempted Village School District  
Rusty Clifford, Superintendent, West Carrollton School District  
Chris Pfister, Superintendent, Waynesfield-Goshen Local School District  
Lori Snyder-Lowe, Superintendent, Morgan Local School District

#### Highlights from the presentation:

Barbara Mattei-Smith, Assistant Policy Director for the Governor's Office of 21<sup>st</sup> Century Education  
*Achievement Everywhere - Common Sense for Ohio's Classrooms*

- Students Come First

#### What Ohio has accomplished so far:

- Empowering Cleveland Schools for Success
- Third Grade Reading Guarantee
- Ohio Teacher Evaluation System
- A to F Report Card - Giving Parents an Honest Assessment of Their Schools
- Getting Students Ready for Jobs
- Teach for America
- Vouchers for Kids in Failing Schools
- Early Learning Challenge Grant
- Blended Learning
- School Rankings

#### Achievement Everywhere:

- Resources for Success—Everywhere
- Reward Good Ideas

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- Remove Barriers, Provide Flexibility
- Create a High-Performance Culture
- Connect Children to Jobs of the Future
- Dollars to the Classroom
- No School District Receives Less Money

### Career Tech: More Options for Success:

- Employment Ready: Prep for Advanced Technical Jobs
- Higher Ed Ready: Prep for 2-Year and 4-Year Degrees

### The Straight A Fund:

#### 300 Million to Improve Efficiency and Achievement:

- One-time Grant
- Modernize Operations
- Achieve Cost Savings
- Invest the Savings into the Classroom
- Strong Metrics to Ensure Success

### Free to Achieve: Freedom from mandates that keep schools from doing what is best for students

#### Keep What Works:

- Create Safe and Healthy Places to Learn
- Set Standards for Success

### Investing in What Works: Better Comparative Tools

- Fiscal Performance
- School Performance
- Student Performance

### Achievement Everywhere: Common Sense for Ohio's Classrooms

#### To Improve Student Achievement Everywhere

- Resources for Success—Everywhere
- Dollars to the Classroom
- Reward Good Ideas
- Remove Barriers, Provide Flexibility
- Create a High-Performance Culture
- Connect Children to Jobs of the Future

### Christopher Burrows Superintendent, Georgetown Exempted Village School District

#### Testimony: Straight-A- Fund

Board President Terhar, other members of the State Board of Education and Superintendent Ross thank you for having me today. My name is Christopher J. Burrows. I am currently serving as superintendent of the Georgetown Exempted Village Schools. Previous to this position I served The Western Brown Local School District as superintendent. I come before you today in support of the proposed educational budget, in particular the Straight-A- Fund. Before getting into the meat and potatoes of my testimony please allow the following 2 points to resonate with you.

1. My district currently spends \$7,700 per. Pupil (We are in the bottom 20 in the state)
2. I have never asked for more money from the state in either of my positions; only freedom and flexibility to structure my district to meet the unique needs of our children.

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Just as there are no funding formulas that will please everyone, there are no educational solutions that will fit in every school district. I am excited about the possibility we have in front of us to free districts from the barriers that have often held us back and reward school districts for courageous leadership on behalf of our children. As a superintendent I stand before you today advocating, on behalf of Ohio's youth, in support of the Straight A Fund as proposed in the Governor Kasich's budget.

Some of the greatest innovations and transformations of all times have come when people had their back to the wall. A great example that all of us have watched unfold over the past few years is the auto industry. Chrysler and GM took the money that was given to them and continued to keep doing business as normal. To this day they are still struggling to make it. Ford, on the other hand, chose to fix their problem through restructuring and innovation. In doing this they now have a more efficient overall operation and most importantly have surpassed many of their competitors in the field of quality, dependability and overall cost. The proposed Straight-A-Fund will allow school districts to rethink, restructure and revive systems that have not been changed since the Great Depression.

Please imagine setting in the waiting room of a hospital while a loved one of yours was in surgery. What expectations would you have of the doctor, the assistive team, the hospital board? What type of equipment would you expect them to be using? How do you want the team to interact with one another? My guess is that you do not want them using the same techniques they used in the early 1900's. Now think about your children or grandchildren and the school they go to daily. What do you want it to look like? What expectations do you have of their teachers, the principal, the superintendent, and the school board? What options do you want them to have? What technology and infrastructure do you expect for them to experience? My guess is not the same as it was in the early 1900's.

What makes people act with courage you may ask? Think of the auto example I gave earlier. Think about education over the past 5-7 years. Think about your own personal budget. 100% of the time fresh ideas that are inner mingled with innovation and efficiencies are created when 2 factors are present.

1. People are facing tough times
2. Money is not being thrown at them

Once school districts are forced to present a strategic plan for Innovation you will begin to see Ohio compete at a higher level academically and with career placements. The Straight A Fund will provide money to schools that have the courage to change on behalf of the students not staff. Below you will see several ideas that are currently being explored in the Georgetown Exempted Village School system but the ideas are limitless;

- Move to a 100% paperless environment
- Be able to offer any course online to any student or Community member
- Purchase a one to one computing system
- Complete our infrastructure to enable us to be ready for the PARRC assessments coming in 2015
- Upgrade our current telephone system and eliminate long distance
- Install technology on our campus that will enable Georgetown Students to take any AP course or College Course they wish by virtually tapping into other schools that have the ability to offer these courses
- Upgrade our current HVAC system to make it more energy efficient
- Offer foreign language K-12

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These changes would transform my district while at the same time eliminating the guarantee gap we currently have in the budget.

As you can see I am very supportive of the proposed Straight A Fund. Please know and understand that I have never come to Columbus asking for extra dollars for any school district. My consistent request has been to cut us lose from the ball and chains that tie us down and reward the courageous schools for their transformations. That is exactly what the proposed budget allows. My fear is that this money will not be protected and be disseminated in other non-competitive ways. There is no evidence that throwing money at systems creates innovation and efficiencies. It actually does the opposite. Students cannot continue to live in a 21<sup>st</sup> century world and warp back a century when they walk in our schools. On behalf of Ohio students, please consider keeping the Straight A Fund as proposed. Thank you for listening.

Georgetown Exempted Village School District Vision....Hop On The Bus And Enjoy The Ride!

We invite you to visualize with us the future of Georgetown Schools. As you enter any of our facilities you are immediately greeted by a warm, friendly employee. Exemplary customer service is evident everywhere. It is evident that student achievement is our top priority. The environment is inviting, well maintained, and, most of all, safe. Cutting edge technology is being used and students are deeply engaged in problem-based learning. All of our students are expected to read, write and speak in every class regardless of subject area.

Students have the opportunity to experience a wide spectrum of instructional strategies and non-academic experiences that deepen their understanding both academically and socially. All students have access to a curriculum that meets their individual social and educational needs. The school climate cultivates respect as students feel they can express original ideas without fear of humiliation or failure. Adults are compassionate, committed to excellence, consistent, and dedicated offering a World Class education to the students of Georgetown Exempted Village Schools.

Students know that when they walk through the doors of our school success is the only option. They have GMEN pride and take responsibility for their learning, maintaining the school facilities, and participate in curricular and extra-curricular activities. There is a sense of family between student and student and student and staff. All staff members take the time prior to the beginning of the school year to call or visit their students. Communication is open and students know what school-wide supports are available for them. This relationship is able to exist because the adults in the school building are strong role models and leaders.

Students take responsibility for their learning. They possess and exhibit good behaviors and hold each other accountable for their actions. When mistakes are made, they admit them, take the consequence, and move on.

Staff members meet regularly by grade level, vertically, school wide and school to school discussing ways to ensure success is the only option. Collaboration takes place at all levels: staff-staff, staff-student, high-school student, middle-school student, middle-school student-elementary student and peer to peer. These relationships carry on long after students complete their current grade level.

Students come to school prepared to learn. For some, this is the safest, most secure, and consistent place they encounter in their lives. Every child has someone with whom to connect. Success is the only option; therefore, staff members help those students that struggle with this core belief until the student takes ownership for their behaviors.

Finally, each student's long-term goal is to leave Georgetown with an associate degree or a career-technical certificate and ultimately to become a productive member of society and, hopefully, the GMEN community.

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Our entire community believes in the Georgetown School vision, mission and motto. Parents, Business Partners and our staff collaborate often to plan for a world class educational environment for our students. Everyone believes that Georgetown Schools are doing everything within our power to provide a safe place for our students while teaching them 21<sup>st</sup> Century skills.

Parents are fully supportive of academics, discipline, and the overall climate. They play an active role in their student's education. Our staff always reaches out and works with those that may need more support and encouragement. We know customer support and satisfaction is what keeps our doors open and is what builds strong schools and communities.

The entire Georgetown administrative team pledges to support and promote this vision as well be servant leaders. We will be fiscally responsible, always putting the needs of our students first. When making decisions we will keep the core values of our community in the forefront. We will constantly remove barriers to learning for teachers, students and our community.

Our students have the rigor of Harvard, the discipline of the US Naval academy and enjoy learning as much as Disneyland. GO GMEN!

The Mission of The Georgetown Exempted Village School District and the school community is to ensure that all students are engaged in successful learning as a result of collaboration with parents and community, high academic standards, a safe learning climate and effective use of fiscal resources.

Rusty Clifford, Superintendent, West Carrollton School District  
Testimony:

Governor Kasich's Achievement Everywhere Plan is a 'game changer' and a 'life changer.' Implementation of the plan will mean that student success will not depend on the local community's ability to pay but on the local school districts ability to deliver. The plan has operationally defined success for every student, teacher, and administrator in Ohio. The plan will encourage, support, and fund - innovation, best practice benchmarking, and process improvement. This sustainable vision and focus for the future of education in Ohio is forward thinking, comprehensive, innovative, flexible, and "what's best for kids." Achievement Everywhere will provide the "adequate" resources needed for all students to succeed and achieve everywhere. At his meeting with superintendents on January 31 Governor Kasich said to us "I want you to win" – full deployment and integration of the Achievement Everywhere Plan will mean that every student in Ohio will be a winner!

What Governor Kasich also said on January 31<sup>st</sup>:

- The Achievement Everywhere Plan is based on "value of property and ability of the district to pay"
- "Deliver resources based on circumstances that exist in that district"
- "Receive dollars on the basis of student population that we have"
- Dollars received "depends on wealth – ability to pay – and unique circumstances"
- Dollars "distributed on the basis of our student population"

The focus on school funding since the first week of February has been on the percent of increase – what we need to focus on is the "per pupil amount" after the percent of increase has been applied – that is when we experience the real equity in the Achievement Everywhere Plan

Let me put the Achievement Everywhere Plan in perspective:

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At the American Association of School Administrators conference in February - Jim Collins – [Built to Last – Good to Great – Great by Choice] identified the number one leadership criteria (after analyzing over 6000 years of business experience) - “Ability to make exceptional people decisions” (think hiring Dr. Ross – State Superintendent)

He also identified the Single most important outcome of his research (of over 6000 years of business experience) “Greatness is not a function of circumstance – it is a function of conscious choice and discipline”. Disciplined people, disciplined thought, disciplined action

It is not discipline alone that makes greatness, but the combination of discipline and creativity.

Great creative teams (think State Board of Education) are diverse. They are composed of very different sorts of people with different but complementary talents. Creative teams are dynamic. They find ways of using their differences as strengths, not weaknesses. Creative teams are distinct. They have a distinctive personality and come together to do something specific.

The great task is to blend creative intensity with relentless discipline so as to amplify the creativity rather than destroy it. When you marry operating excellence (State Board of Education) with innovation (Achievement Everywhere Plan), and innovator (Dr. Ross) – you multiply the value of your creativity.

More than any of his prior research, this study shows that whether we prevail or fail, endure or die, depends more upon what you do than on what the world does to you.

Build the cumulative momentum of great results - A good program (Achievement Everywhere Plan) executed extremely well (State Board and Dr. Ross) equal great results

John Maxwell – The 21 Irrefutable Laws of Leadership - THE LAW OF TIMING - When to Lead Is As Important As What to Do and Where to Go

When leaders do the right things at the right time, success is almost inevitable. People (State Board and Dr. Ross), principles (Achievement Everywhere) and processes (the Plan) converge to make an incredible impact.

Full deployment and integration of the Achievement Everywhere Plan will mean that every student in Ohio will be a winner!

You can live each day in a world filled with “problems,” or rise each morning and embrace a world filled with unseen solutions, eager for you to find them. The decision is yours, both worlds exist. The one you choose is the one you will create.

The Board took a brief recess.

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### Full Board Presentation from Philanthropy Ohio

#### Presenters:

Suzanne Allen, Ph.D., President, Philanthropy Ohio

Lisa Gray, Education Project Director, Philanthropy Ohio

#### Highlights from the presentation:

Philanthropy Ohio - Our Vision

- To be the leading voice and premier resource for philanthropy in Ohio.

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### Philanthropy in Ohio – Today

- Ohio ranks 11<sup>th</sup> in total giving.

### Our New Impact Statements:

- Most trusted representative of Ohio philanthropy's interests
- Preferred provider of what matters most to Ohio philanthropy
- Established connection to all forms of Ohio philanthropy

### Total Charitable Giving in Ohio:

Individuals – 75% - 5 billion  
Foundations – 19% - 1.27 billion  
United Ways – 3% - 187.3 million  
Other Funders – 3% - 177.7 million  
Total – 6.63 billion

### Individual Giving:

- 1 in 4 Ohioans reports making charitable gifts in a given year.

### Income Level of the 1.33 million Ohioans Reporting Donations:

67% - Had income of 50,000 to 200,000; gave 2.58 billion  
26% - Had income of less than 50,000; gave 637.86 million  
7% - Had income of more than 200,000; gave 1.57 billion

### Top 10 by Giving:

- The 10 ten foundations gave 33% (397.3 million) of the total foundation giving in Ohio.

### What Foundations in Ohio Support:

- 41,262 charitable organizations classified by the IRS as 501(c)(3) entities,
- Nonprofits employ about 11 percent of the state's total workforce, close to 478,000 people
- Ohio's 14,000+ nonprofits held assets of \$102.98 billion and reported revenues of \$60.99 billion in 2009.

### Education Research:

Philanthropy Ohio's Education Advisory Committee report created for grant makers, policymakers and the general public that identifies top education priorities of Ohio's philanthropic community.  
January 2013

### A Seamless and Integrated P-20 System:

- Early Childhood - Access, Readiness and Expansion
- K-12 – Standards, Instruction, Assessment and Accountability, and Funding
- Post-Secondary – Access, Affordability and Completion

### Student Demographics:

	<u>2005</u>	<u>2011</u>	<u>% Change</u>
Statewide Student Enrollment	1,772,930	1,749,395	-1
African American	296,861	287,974	-3
Hispanic	41,097	61,124	49
Multiracial	46,698	73,104	57
White	1,361,774	1,294,742	-5
Students with Limited English Proficiency	28,936	35,293	22
Students with disabilities	254,078	259,302	2

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Economically disadvantaged students 622,698 785,084 27

\*Federal reporting requirements have recently changed and children whose parents or guardians do not choose an ethnic category are selected as multiracial by default, explaining the 57 percent increase.

### NAEP Performance:

NAEP	<u>2005</u>	<u>2011</u>
% of 4 <sup>th</sup> graders at or above proficient in math	43%	45%
% of 4 <sup>th</sup> graders at or above proficient in reading	34%	34%
% of 8 <sup>th</sup> graders at or above proficient in math	33%	39%
% of 8 <sup>th</sup> graders at or above proficient in reading	36%	37%

### Ohio Early Childhood Statistics:

- 98% of Ohio's public expenditures occur after age five – after 90 percent of brain development has already occurred.
- The percentage of eligible children served in state preschool programs remains in the single digits.
- Help Me Grow, the state's home visiting program, serves only one in five eligible children.
- Just 880 of Ohio's 5,800 child care centers participate in the state's quality rating system, Step Up to Quality.

### Common Core State Standards:

- 45 states and the District of Columbia have adopted the Common Core State Standards (CCSS) or comparable standards in mathematics and English language arts
- 26 states are leading the development of Next Generation Science Standards (NGSS)

### Ohio's Budget 2011 Budget - Ohio Investment in K-12, GRF only:

- K-12 Education – 41.7%
- Higher Ed – 11.3%
- Human Services – 25.4%
- General Government – 8.3%
- Corrections – 7.9%
- Local Government – 5.4%

### Recommendations:

- Ensure a Seamless P-20 Education Continuum
- Promote Innovative School Models Using Technology to Personalize Learning
- Create a Human Capital Continuum that Results in Educator Effectiveness and Student Achievement
- Expand Access and Enhance Readiness to Early Childhood Education
- Ensure Exemplary Standards, Instruction, Assessment and Accountability
- Promote Quality Public Charter Schools
- Achieve Stable, Predictable and Adequate Revenue for Schools
- Prioritize Postsecondary Completion

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President Terhar recessed the Board meeting at 5:30 p.m.

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The Board's Accountability Committee met beginning at 5:30 p.m.

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The Board's Legislative and Budget Committee met beginning at 8:30 a.m. on Tuesday, April 9.

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President Terhar reconvened the Business meeting of the State Board of Education on Tuesday, April 9, at 9:45 a.m.

President Terhar asked the Recording Secretary to call the roll.

### MEMBERS PRESENT

Angela Thi Bennett  
Michael Collins  
Sarah Fowler  
Ann Jacobs  
Kathleen McGervey  
Jeffrey Mims  
Mark Smith  
Bryan C. Williams

Deborah Cain  
Stephanie Dodd  
Thomas Gunlock  
C. Todd Jones  
Darryl D. Mehaffie  
Mary Rose Oakar  
Debe Terhar

### EX OFFICIO MEMBERS

Senator Peggy Lehner

Representative Gerald Stebelton

### MEMBERS ABSENT

Joe Farmer

Tess Elshoff

NOTE: Mrs. Dodd, Ms. McGervey and Mr. Williams entered the room after roll call.

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The President called on Mr. Gunlock, 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 March 2013 meeting. She asked if there were any corrections to the Minutes.

President Terhar stated that Vice President Gunlock had called for the approval of the March 2013 minutes, not herself as stated.

It was Moved by Mr. Mehaffie and Seconded by Mr. Mims that the Minutes be approved with the correction as noted. The President called for a voice vote.

Motion carried unanimously.

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**Full Board Discussion Regarding *Achievement Everywhere* Funding Plan Hearing**

The State Board discussed the *Achievement Everywhere* Funding Plan Hearing that took place on Monday.

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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:

**Career Connections:**

*Career Connections* is a joint initiative among the Governor's Office of Workforce Transformation, the Board of Regents and the Ohio Department of Education. Senate Bill 316 requires career connections learning strategies be embedded in the Department's model curricula. The goal is to give K-12 students opportunities to become more aware of career opportunities, learn of their interests, talents and abilities, explore careers and make academic and career plans for their future.

The Offices of Career-Technical Education and Curriculum and Assessment are working collaboratively to meet the requirement of SB316. Staff is working with regional work groups consisting of teachers, curriculum experts, and school counselors. The work of the regional work groups includes developing strategies that support infusing career-based learning experiences with academic content. The Committee will review a final draft of the learning strategies at the May 2012 meeting. Adoption is scheduled for June 2013.

**College and Career Ready:**

Ohio is committed to ensuring all students graduate from high school ready for post-secondary opportunities. The Achievement committee received a presentation and discussed the importance of developing a College and Career Ready definition as a state, and received information on how the definition will inform state reform efforts and Ohio's participation in cross state initiatives.

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

Chair: Tom Gunlock, Vice Chair: Bryan Williams

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

**Update on ORC 3319.228: List of States with Inadequate Licensure Standards:**

Staff presented the findings and recommendations of the panel of experts associated with enacting the second phase of ORC 3319.228, concerning the State Board's approval by July 1, 2013 of a list of states with standards for teacher licensure that are inadequate to ensure that a licensed teacher coming from that state having taught for each of the past five years is qualified for a professional Ohio educator license. The panel was required to recommend to the State Board, not later than April 1, 2013, that either the preliminary list of states be approved without changes, or that specified states be removed from the list prior to State Board approval.

The panel of experts has recommended to the State Board that Oregon and South Dakota be removed from the preliminary list, based on refuting information those states provided, and that the State Board approve the following as the final list of states: Alaska, Montana, Nebraska, North

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Dakota and Wyoming. The Committee moved to recommend this list to the Full Board for approval by July 1, 2013.

### **Discuss Teacher Evaluation Framework for State Agencies:**

Staff presented the Teacher Evaluation Framework for State Agencies as required by ORC 3319.112(E). The State Board must adopt a framework on or before June 30, 2013. Thereafter, each state agency that employs teachers is required to adopt a policy that conforms to the framework. The policy adopted by each state agency that employs teachers will become effective and will need to be implemented at the expiration of the existing collective bargaining agreement (or sooner in the event of a renewal or extension). The existing collective bargaining agreement covering state agency employed teachers is due to expire on June 30, 2015. Accordingly, the policies that will be adopted by each state agency that employs teachers will become operative on July 1, 2015. The Committee moved to recommend this Framework to the Full Board for approval before June 30, 2013.

### **Discuss Career-Technical Education Report Card:**

Staff presented the Committee with a proposed Career-Technical education Report Card, explaining that per SB 316 and HB 555, the Office of Career-Technical Education formed a committee consisting of representatives from each of the legislatively required groups. The Capacity Committee reviewed a proposal consistent with recommendations from the Report Card Committee of legislated collaborators. In addition, feedback on report card elements and implementation was solicited from the field by Report Card Committee representatives and at the Ohio Association of Career and Technical Education conference.

The proposal submitted to the Capacity Committee was guided by the measures being developed for the Local Report Card (LRC) along with the uniqueness of career-technical education and their federal accountability system. The proposal was also guided by unique features of CTE data. For example, it is primarily lag data due to it being reported at a later time than LRC data. Also, it has not been part of a high stakes accountability system prior to the introduction of this state CTE report card. Both of these features have validity implications for the data.

The proposed three-year implementation plan phases in six components, three of which are also components on the LRC. It proposes eight measures for 2013, four of which are also measures on the LRC. It proposes phasing in grades starting in 2014 and continuing through 2015 with 2015 including an overall designation as well.

The Capacity Committee moved to table this item in order to allow staff time to prepare additional data for presentation at the May Capacity Meeting. Capacity Committee members were particularly interested in evaluating further how this report card would compare to the LRC, what the impact of incomplete data might be, especially related to grading, and how and when data issues might be improved.

### **Update on issues related to the SEED School of Cincinnati:**

Department legal staff presented the Committee with SEED's proposed amendment of the Operator Contract based on the Committee's request at their November 2012 meeting. The amendment (section 12.6) gives the Board the right to appoint a new operator, which would have the options to lease and/or purchase assets from SEED in the event that SEED ceases to be the operator of the school. SEED has requested to discuss the proposed amendment with the committee at the May 2013 meeting. Jessica Voltolini, Department Assistant Legal Counsel asked that members review the proposed amendment and direct any questions to her between now and the May meeting of the Capacity Committee.

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### **BOARD PRESENTATIONS AND DISCUSSION FROM THE COMMITTEE ON URBAN EDUCATION**

Chair: Angela Thi-Bennett, Vice Chair: Mike Collins

Mrs. Bennett gave a report from the Committee on Urban Education meeting focusing on the following issues:

As a result of the meeting on Wednesday, March 27, 2013, with the Ohio Association of Health Plans, Chair Bennett invited Susan Ackerman, Director of Regulatory Services at the Association to share information on managed care organizations and how education can work with them to increase student achievement. Joining Ms. Ackerman were Ms. Amy Swanson, Vice President of Marketing, Advocacy & Member Experience for United Health Care and Ms. Toni Fortson-Bigby, Director of Consumer Advocacy at Care Source. Ohio's Medicaid Program currently covers 2.2 million Ohioans – 1 out of every 5 people and 2 out of every 5 children under the age of 18; however, there are around 105,000 children eligible but not covered by Medicaid. Healthy children are better prepared to engage in the instructional process. Accordingly, ideas for collaboration include, but are not limited to (1) identify Medicaid eligible students by sharing the Hotline number (800.324.8680); (2) establish a single parent consent form to allow schools to exchange information with the Medicaid plans and (3) leverage the Medicaid health plan care managers to make contact with families if a child is experiencing difficulties in learning. Mr. Mark Smith, the supervisor of Medicaid programs at the Department participated in the presentation and will work with the Committee to continue discussion in this important area.

The Committee reviewed results of the survey sent to the 966 schools defined in Section 4 of HB555 with ODE staff, Ms. Patricia Grey from the Office of Communications and Outreach and Ms. Emily Buser from the Office of Policy & Research. The survey response was exceptional – 7,072 responses were collected and 78% (5,511) identified as teachers. Fifty percent of the respondents represented urban traditional public schools in non-Urban 8 areas and rural traditional public schools. While there are assumptions and limitations to the voluntary survey, generally, respondents indicated higher levels of evidence for alignment with standards, instructional practices and systems of leadership than for having comprehensive support services and using non-academic barriers to learning data to improve student outcomes; professional development was another area identified for improvement. Consistent with the Ohio Medicaid presentation, many written responses expressed the need for comprehensive supports to address the physical and mental health needs of students. Please contact Dr. John Richard for all data reports relative to the survey.

Dr. Richard and the directors within the Center for Accountability and Continuous Improvement created a framework based on Ohio's ESEA Flexibility Waiver as possible recommendations for review and consideration by the Committee to support the schools defined in Section 4 of HB555. The draft document was presented; the Committee expressed their pleasure with the draft chart. In May 2013, the Committee will continue their consideration of the recommendations presented in preparation for future review by the full Board. Additional stakeholder meetings are planned.

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

Chair: Bryan Williams, Co-Chair: C. Todd Jones

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

#### **Review of Department language amendments:**

Jennifer Hogue, Department state legislative liaison, reviewed with committee members a list amendments submitted for H.B. 59 and provided a brief update on the budget bill progress.

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Relating to an amendment to allow the Department to collect personally identifiable student data, the committee discussed concerns with, and requested a list of, data collected in association with the SSID.

### **Development of an IDEA Reauthorization Platform:**

Jeremy Marks, Department federal legislative liaison, continued the committee discussion of the development of a federal platform for the reauthorization of the Individuals with Disabilities Act (IDEA). Tom Lather, Office of Exceptional Children, provided overview of federal funding for IDEA. Wendy Grove, Ohio Department of Health Help Me Grow program administrator, provided an overview of the Help Me Grow program for children birth to age three under Part C of IDEA. Stephanie Siddens, Office of Early Learning and School Readiness, provided an overview of preschool special education for children age three to age five.

The committee agreed to continue the discussion in subsequent meetings by convening a panel of experts followed by the development of draft recommendations.

### **Information Associated with SSIDS:**

David Ehle, Data Quality and Governance, explained to the committee the nine required data elements associated with SSIDs, those to which the Department already has access, and those to which the Department would be granted access under the proposed amendment discussed earlier in the meeting.

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

Chair: Tom Gunlock, Co-Chair: Bryan Williams

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

The Committee received an update on timeline and shareholder feedback.

The Committee received a presentation on the new report card design.

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

Mr. Jones requested that Item 1 be voted on separately.

### **Consent Agenda (3): Volume 2**

- 1. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE PERMANENT ELEMENTARY TEACHING CERTIFICATE OF SUE S. BAIR (VOLUME 2, PAGE 4)**
- 2. RESOLUTION OF INTENT TO ADOPT RULES 3301-28-01 TO 3301-28-06 OF THE ADMINISTRATIVE CODE REGARDING LOCAL REPORT CARD MEASURES AND TO RESCIND RULES 3301-58-01 TO 3301-58-03 OF THE ADMINISTRATIVE CODE**

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**REGARDING THE VALUE-ADDED PROGRESS DIMENSION (VOLUME 2, PAGE 6)**

3. **RESOLUTION OF INTENT TO AMEND RULES 3301-51-10, 3301-83-09, -10, -16, -17, -21, AND -22 AND TO ADOPT RULE 3301-83-24 OF THE ADMINISTRATIVE CODE REGARDING PUPIL TRANSPORTATION OPERATION AND SAFETY (VOLUME 2, PAGE 21 )**

Items 4 through 13 were school personnel resolutions.

**Administrative Rules (3); Volume 3**

14. **RESOLUTION TO AMEND RULE 3301-24-08 OF THE ADMINISTRATIVE CODE ENTITLED PROFESSIONAL OR ASSOCIATE LICENSE RENEWAL (VOLUME 3, PAGE 283) (CAPACITY COMMITTEE)**
15. **RESOLUTION TO AMEND RULES 3301-24-19 TO -22 OF THE ADMINISTRATIVE CODE REGARDING ALTERNATIVE RESIDENT EDUCATOR LICENSES (VOLUME 3, PAGE 288) (CAPACITY COMMITTEE)**
16. **RESOLUTION TO ADOPT RULE 3301-35-15 OF THE ADMINISTRATIVE CODE ENTITLED STANDARDS CONCERNING THE IMPLEMENTATION OF POSITIVE BEHAVIOR INTERVENTION SUPPORTS AND THE USE OF RESTRAINT AND SECLUSION (VOLUME 3, PAGE 304) (ACHIEVEMENT COMMITTEE)**

**Items for Consideration for Next Month**

There were no Items for Consideration for Next Month.

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President Terhar called on Superintendent Ross for his report.

Dr. Ross updated the Board on the following topics:

- Weekly open-door opportunity for staff members
- Reaching out to local school district superintendents
- Schools of Promise visits in Coshocton and Tuscarawas County.
- Conversation with Adrian O'Neal, Chairman, Youngstown Academic Distress Commission
- Addressing the mission, teaching plan and goals of the Department of Education
- April 15, report-card webinar
- BASA regional meetings
- Waiver granted to Cleveland Metropolitan School District
- Appointment of Academic Distress Commission to Lorain City School District

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**Recognition Event for Ohio's Blue Ribbon Schools**

The State Board of Education recognized Ohio's 17 schools that have been selected as 2012 No Child Left Behind Blue Ribbon Schools. Being named a Blue Ribbon School identifies a building

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as being among the top-performing schools in both the state and the nation. Schools that earn the distinction of being “Blue Ribbon” schools become models for other schools to follow.

The U.S. Department of Education initiated the Blue Ribbon Schools recognition program in 1982 to identify and bring national attention to outstanding public and private schools that have demonstrated sustained academic success.

The following schools were recognized:

- Arcadia High School, Arcadia Local School District - Mrs. Cathy Schroll, principal (*Board member – Ann Jacobs*)
- Bassett Elementary School, Westlake City School District - Mr. Benjamin Hodge, principal (*Board member – Mary Rose Oakar*)
- Butternut Elementary School, North Olmsted City School District - Mr. Chris Caleris, Principal (*Board member – Mary Rose Oakar*)
- Chippewa High School, Chippewa Local School District - Mr. Shawn Braman, principal (*Board member – Brian Williams*)
- Fairbanks High School, Fairbanks Local School District - Mr. Tom Montgomery, principal (*Board member – Ann Jacobs*)
- Hilliard Elementary School, Westlake City School District - Ms. Kimberly Conley, principal (*Board member – Mary Rose Oakar*)
- Horizon Science Academy Columbus High School, Sponsored by Lucas County ESC – Mr. Onder Sechen, principal (*Board member – Michael Collins*)
- Jefferson Avenue Elementary School, Shadyside Local School District - Mrs. Cynthia Caldwell, principal (*Board member – Debra Cain*)
- Lincoln Elementary School, Wadsworth City School District - Mr. Steve Brady, principal (*Board member – Brian Williams*)
- Lincoln Elementary School, Tiffin City School District - Mr. Douglas Hartenstein, principal (*Board member – Ann Jacobs*)
- Rocky River High School, Rocky River City School District - Mrs. Debra Bernard, principal (*Board member – Mary Rose Oakar*)
- St. Edward School in Ashland - Mrs. Suellen Valentine, principal (*Board member – Mary Rose Oakar*)
- Western Reserve High School, Western Reserve Local School District - Mr. Jeffrey Zatchok, principal (*Board member – Debra Cain*)
- The following schools were recognized as 2012 National Blue Ribbon Schools, but were unable to attend today:
  - St. Dominic School in Shaker Heights
  - Our Lady of the Elms Elementary School in Akron
  - Holy Family School in Stow
  - Independence Primary School in Independence

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The State Board recessed for lunch.

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

There was no Public Participation on Action Items.

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**PUBLIC PARTICIPATION ON NONACTION ITEMS**

**NAMES/ADDRESSES**

There was no Public Participation on Nonaction Items.

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

President Terhar reminded Board members Item 1 had been pulled from the Consent Agenda and would be voted on separately.

NOTE: The Board began voting on the report and recommendations prior to lunch and resumed at 1 p.m. after public participation. The Board recessed for lunch while still addressing Item 10.

President Terhar presented the following recommendations (Items 2-3) on the Consent Agenda:

2. **RESOLUTION OF INTENT TO ADOPT RULES 3301-28-01 TO 3301-28-06 OF THE ADMINISTRATIVE CODE REGARDING LOCAL REPORT CARD MEASURES AND TO RESCIND RULES 3301-58-01 TO 3301-58-03 OF THE ADMINISTRATIVE CODE REGARDING THE VALUE-ADDED PROGRESS DIMENSION**

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

WHEREAS Division (A)(2) of Section 3302.03 of the Revised Code requires the State Board of Education, not later than April 30, 2013, to adopt a resolution describing the performance measures, benchmarks, and grading system for the 2012-2013 school year; and

WHEREAS Division (A)(1) of Section 3302.03 of Revised Code requires the State Board of Education, not later than June 30, 2013, to adopt rules that prescribe the methods by which the performance measures under division that division shall be assessed and assigned a letter grade, including performance benchmarks for each letter grade; and

WHEREAS the State of Ohio has been granted conditional flexibility by the United States Department of Education to modify the federal components of its accountability system, allowing Ohio to design a better measure of academic achievement gaps in Ohio schools; and

WHEREAS Section 3302.03 of the Revised Code outlines a new *Local Report Card* for schools and districts that uses letter grades for performance measures, beginning with the local report card for the 2012-2013 school year, and letter grades for groupings of performance measures, called components, and overall performance for the school or district beginning with the local report card for the 2014-2015 school year; and

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WHEREAS the local report card for the 2012-2013 school year will have nine graded performance measures that will evaluate the performance of a school or district; and

WHEREAS the academic achievement of students in a school or district shall be measured by the performance index and performance indicators; and

WHEREAS the rate at which students graduate on time in a school or district will be measured by the four-year graduation rate and five-year graduation rate; and

WHEREAS the growth in student learning in a school or district will be measured by the value-added progress dimension for students overall, for students identified as gifted, for students with disabilities, and for students whose performance places them in the lowest quintile for achievement on a statewide basis; and

WHEREAS the closing of academic achievement gap for students in a school or district shall be measured by the annual measurable objectives in accordance with the agreement between the Ohio Department of Education and the United States Department of Education; and

WHEREAS the Accountability Committee of the State Board of Education met seven times over the past four months to determine the grade benchmarks for the performance measures on the Local Report Card for the 2012-2013 school year while soliciting feedback from schools, stakeholders, and experts; and

WHEREAS the Accountability Committee at its April 8, 2013, meeting voted to recommend the benchmarks outlined in the Rules 3301-28-01 to 3301-28-06 of the Administrative Code; and

WHEREAS the attached rules and the description provided for in this resolution outline the performance measures, benchmarks, and grading system for the 2012-2013 report card; and

WHEREAS Rule 3301-28-06 entitled *Value-added progress dimension* would supersede Rules 3301-58-01 to 3301-58-03 of the Administrative Code regarding the value-added progress dimension, Rules 3301-58-01 to 3301-58-03 should be rescinded: Therefore, Be It

RESOLVED, That the State Board of Education hereby declares its intent to adopt proposed Rules 3301-28-01 to 3301-28-06 of the Administrative Code regarding local report card measures and to rescind Rules 3301-58-01 to 3301-58-03 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 adopted and rescinded 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 rules to address issues determined to be of a non-substantive nature, including grammatical problems

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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 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.

### 3. **RESOLUTION OF INTENT TO AMEND RULES 3301-51-10, 3301-83-09, -10, -16, -17, -21, AND -22 AND TO ADOPT RULE 3301-83-24 OF THE ADMINISTRATIVE CODE REGARDING PUPIL TRANSPORTATION OPERATION AND SAFETY**

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

WHEREAS Section 4511.76 of the Revised Code requires the State Board of Education, by and with the advice of the director of public safety, to adopt and enforce rules relating to the operation of all vehicles used for pupil transportation; and

WHEREAS Section 3327.10 of the Revised Code authorizes the State Board of Education to adopt rules regarding qualifications of school bus drivers; and

WHEREAS Rules 3301-51-10, 3301-83-09, -10, -16, -17, -21, and -22 of the Administrative Code regarding pupil transportation operation and safety are proposed to be amended pursuant to the requirements of five-year rule review; and

WHEREAS the proposed amendments to the rules would

- Allow for alternative pick-up and drop-off locations as appropriate based upon the individual needs of the child;
- Add “The dangers of trespassing in railroad right of way and other dangerous areas” as part of the safety-instruction program;
- Clarify definitions used throughout Chapter 3301-83 of the Administrative Code;
- Replace “county boards of mental retardation and developmental disabilities” with “county boards of developmental disabilities” and “individualized habilitation” with “behavioral support” in regards to student plans;
- Clarify the issuance and revocation process as part of the personnel training program;
- Raise the School Vehicle Accident reporting threshold from five-hundred to one-thousand dollars pursuant to Ohio law;
- Clarify the non-routine transportation of students, specific components; and necessary for a trip permit, and the costs associated with non-routine trips.

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WHEREAS proposed new Rule 3301-83-24 of the Administrative Code would clarify when fees may be acceptable for the purposes of student transportation; and

WHEREAS the Common Sense Initiative Office reviewed the rules pursuant to its mandate regarding any potential adverse impact administrative rules may have on private business and recommended that the rules, pending approval by the State Board of Education, be filed with the Joint Committee on Agency Rule Review; and

WHEREAS the Capacity Committee, during its March 2013 meeting, voted to recommend adoption of the rules proposed to be amended and adopted to the State Board of Education: Therefore, Be It

RESOLVED, That the State Board of Education hereby declares its intent to amend and adopt the rules subject to this resolution, 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 adopted that and 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 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. Collins and Seconded by Mr. Gunlock that the Consent Agenda (Items 2-3) be approved.

President Terhar called for a roll call vote.

### YES VOTES

Angela Thi Bennett  
Michael Collins  
Tess Elshoff  
Thomas Gunlock  
C. Todd Jones  
Darryl D. Mehaffie  
Mark Smith

Deborah Cain  
Stephanie Dodd  
Sarah Fowler  
Ann Jacobs  
Kathleen McGervey  
Mary Rose Oakar  
Debe Terhar

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Motion carried.

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President Terhar presented the following recommendation (Item 1):

- 1. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE PERMANENT ELEMENTARY TEACHING CERTIFICATE OF SUE S. BAIR**

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

WHEREAS Sue S. Bair holds a permanent elementary teaching certificate issued in 2000; and

WHEREAS on March 8, 2013, the Ohio Department of Education received a voluntary surrender form from Sue S. Bair, which authorizes the State Board to enter an order permanently revoking her permanent elementary teaching certificate issued in 2000 based upon Ms. Bair's use of an inappropriate intervention to redirect a student; and

WHEREAS the form specifies that Sue S. Bair is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

WHEREAS Sue S. Bair has waived her right to a hearing and authorizes the State Board of Education to enter an order permanently revoking her permanent elementary teaching certificate issued in 2000: 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** Sue S. Bair's permanent elementary teaching certificate issued in 2000 based upon Ms. Bair's use of an inappropriate intervention to redirect a student. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Sue S. Bair 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. Bair of this action.

It was Moved by Mr. Gunlock and Seconded by Ms. Fowler that the above recommendation (Item 1) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett  
Michael Collins  
Tess Elshoff  
Thomas Gunlock  
Kathleen McGervey

Deborah Cain  
Stephanie Dodd  
Sarah Fowler  
Ann Jacobs  
Darryl D. Mehaffie

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Mary Rose Oakar  
Debe Terhar

Mark Smith

ABSTAIN

C. Todd Jones

Motion carried.

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Lori Kelly, Director, Office of Professional Conduct, presented the following recommendation (Item 4):

**4. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE PERMANENTLY THE FOUR-YEAR EDUCATIONAL AIDE PERMIT OF MARY F. CREEDON**

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

WHEREAS Mary F. Creedon holds a four-year educational aide permit issued in 2009; and

WHEREAS on June 11, 2012, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Mary F. Creedon of its intent to determine whether to limit, suspend, revoke, or permanently revoke her four-year educational aide permit issued in 2009 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Creedon dragging a four-year-old student by the hand/arm approximately twenty feet down a hallway; and

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

WHEREAS a hearing was held on January 10, 2013; and

WHEREAS Ms. Creedon was not present at the hearing nor was she represented by counsel; and

WHEREAS the hearing officer recommends that Ms. Creedon's permit be revoked and she be permanently ineligible to apply for any license issued by the State Board. The hearing officer's recommendation is based upon not being able to trust Ms. Creedon to return to a classroom setting due to her lack of patience, disregard for school protocol, disregard for the instructions of a supervisor, and disregard for student safety: Therefore, Be It

**RESOLVED**, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Mary F. Creedon's four-year educational aide permit issued in 2009 based upon Ms. Creedon dragging a four-year-old student by the hand/arm approximately twenty feet down a hallway. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Mary F. Creedon 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 Ms. Creedon of this action.

It was Moved by Mrs. Dodd and Seconded by Ms. Jacobs that the above recommendation (Item 4) be approved.

President Terhar called for a roll call vote.

### YES VOTES

Angela Thi Bennett  
Michael Collins  
Tess Elshoff  
Thomas Gunlock  
C. Todd Jones  
Mary Rose Oakar  
Debe Terhar

Deborah Cain  
Stephanie Dodd  
Sarah Fowler  
Ann Jacobs  
Darryl D. Mehaffie  
Mark Smith

### NO VOTES

Kathleen McGervey

Motion carried.

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Lori Kelly, Director, Office of Professional Conduct, presented the following recommendation (Item 5):

5. **RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE PERMANENTLY THE PERMANENT HIGH SCHOOL TEACHING CERTIFICATE AND TO DENY THE APPLICATION FOR A DUPLICATE PERMANENT HIGH SCHOOL TEACHING CERTIFICATE OF TIMOTHY L. DAILEY**

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

WHEREAS Timothy L. Dailey holds a permanent high school teaching certificate issued in 2003 and has applied for a duplicate permanent high school teaching certificate; and

WHEREAS on September 24, 2012, the Acting State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Timothy L. Dailey of its intent to determine whether to limit, suspend, revoke, or permanently revoke his permanent high school teaching certificate issued in 2003 and to deny or permanently deny his application for a duplicate permanent high school teaching certificate pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Dailey engaging in the following unbecoming conduct during 2008 and 2009: allowing female elementary students to massage his head, neck, and shoulders; throwing a ball at a female student hitting her in the face; failing to properly supervise a kindergarten student which resulted in the student roaming the halls and Mr. Dailey not knowing that the student was missing; encouraging or failing to address acts of bullying in his presence including telling his class he

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would give them points for hitting a student with a dodge ball, failing to intervene when students were being hit by balls, and telling two students they could hit another student; speaking with students in an inappropriate manner including asking two fourth grade students if they were going to look at porn on the computer, calling students stupid or dumb, and telling two sixth grade students they could not do crunches unless a cheeseburger was in front of them; making comments to students that were sexual and/or inappropriate in nature including telling three students to go into his office and get naked and telling a student to shake her "money maker"; and engaging in inappropriate physical contact with students including placing his hand on a student's lower stomach area and touching another student under her chin; and

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

WHEREAS a hearing was held on October 16-17, 2012; and

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

WHEREAS the hearing officer recommends that Mr. Dailey's certificate be revoked and his pending application be denied and he be permanently ineligible to apply for any license issued by the State Board. The hearing officer's recommendation is based upon Mr. Dailey's consistent pattern of misconduct that involved multiple minor students and the nature of his actions, comments, and omissions being extremely serious to warrant a permanent revocation; and

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Timothy L. Dailey's permanent high school teaching certificate issued in 2003 and **DENIES** his application for a duplicate permanent high school teaching certificate based upon Mr. Dailey engaging in the following unbecoming conduct during 2008 and 2009: allowing female elementary students to massage his head, neck, and shoulders; throwing a ball at a female student hitting her in the face; failing to properly supervise a kindergarten student which resulted in the student roaming the halls and Mr. Dailey not knowing that the student was missing; encouraging or failing to address acts of bullying in his presence including telling his class he would give them points for hitting a student with a dodge ball, failing to intervene when students were being hit by balls, and telling a student that she could hit another student; speaking with students in an inappropriate manner including asking two fourth grade students if they were going to look at porn on the computer, and telling two sixth grade students they could not do crunches unless a cheeseburger was in front of them; making comments to students that were sexual and/or inappropriate in nature including telling two students to go into his office and get naked and telling a student to shake her "money maker"; and engaging in inappropriate physical contact with students including placing his hand on a student's lower stomach area and touching another student under her chin. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b) and (A)(3)(b), orders Timothy L. Dailey 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. Dailey of this action.

It was Moved by Dr. Smith and Seconded by Ms. Fowler that the above recommendation (Item 5) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett	Deborah Cain
Michael Collins	Stephanie Dodd
Tess Elshoff	Sarah Fowler
Thomas Gunlock	Ann Jacobs
C. Todd Jones	Kathleen McGervey
Darryl D. Mehaffie	Mary Rose Oakar
Mark Smith	Debe Terhar
Bryan C. Williams	

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 ADOLESCENCE TO YOUNG ADULT TEACHING LICENSE AND FIVE-YEAR PROFESSIONAL HIGH SCHOOL TEACHING LICENSE OF ANTHONY D. DAVIS**

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

WHEREAS Anthony D. Davis holds a five-year professional adolescence to young adult teaching license issued in 2011 and five-year professional high school teaching license issued in 2011; and

WHEREAS on November 7, 2012, the Acting Superintendent of Public Instruction, on behalf of the State Board of Education, notified Anthony D. Davis of its intent to determine whether to limit, suspend, revoke, or permanently revoke his five-year professional adolescence to young adult teaching 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. Davis' 2012 guilty plea in the Miamisburg Municipal Court for one misdemeanor count of telecommunications harassment, his prior disciplinary action in 2007 wherein his license was suspended through a Consent Agreement based upon his 2006 conviction for one misdemeanor count of assault, and his failure to report his licensure suspension on prior applications; and

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

WHEREAS a hearing was held on December 7, 2012; and

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

WHEREAS the hearing officer recommends that Mr. Davis' license be revoked and he be ineligible to apply for any licenses issued by the State Board for a period of five years. The hearing officer's recommendation is based upon Mr. Davis' unbecoming conduct warranting serious discipline, but mitigating factors existing that support giving Mr. Davis an opportunity to reapply for a license in five years. The mitigating factors include Mr. Davis self-reporting his 2012 conviction to the Ohio Department of Education, Mr. Davis providing the basics of his 2006 conviction on two of the three applications which he submitted, and Mr. Davis' 2012 conviction being based on Mr. Davis sending one text message which on its face was not vulgar or threatening: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Anthony D. Davis' five-year professional adolescence to young adult teaching license issued in 2011 and five-year professional high school teaching license issued in 2011 based upon Mr. Davis' 2012 guilty plea in the Miamisburg Municipal Court to one misdemeanor count of telecommunications harassment, his prior disciplinary action in 2007 wherein his license was suspended through a Consent Agreement based upon his 2006 conviction for one misdemeanor count of assault, and his failure to report his licensure suspension on prior applications. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that Anthony D. Davis be ineligible to reapply for any license issued by the State Board of Education until on or after April 9, 2018; and, Be It Further

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

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

President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett  
Michael Collins  
Tess Elshoff  
Thomas Gunlock  
C. Todd Jones  
Darryl D. Mehaffie  
Mark Smith  
Bryan C. Williams

Deborah Cain  
Stephanie Dodd  
Sarah Fowler  
Ann Jacobs  
Kathleen McGervey  
Mary Rose Oakar  
Debe Terhar

Motion carried.

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

**7. RESOLUTION TO DENY PERMANENTLY THE THREE-YEAR PUPIL ACTIVITY PERMIT APPLICATION OF BRIAN J. FARSCHMAN**

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

WHEREAS Brian J. Farschman has applied for a three-year pupil activity permit; and

WHEREAS on January 25, 2013, the Acting State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Brian J. Farschman of its intent to deny or permanently deny his application for a three-year pupil activity permit pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(d). The notice was based upon Mr. Farschman's 2012 conviction in the Cuyahoga County Common Pleas Court for one misdemeanor count of attempted illegal processing of drug documents and 2012 conviction in the Rocky River Municipal Court for one minor misdemeanor count of drug abuse/controlled substance possession or use; and

WHEREAS the notice informed Mr. Farschman that if he fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code, the State Board of Education will proceed to deny or permanently deny his application for a three-year pupil activity permit; and

WHEREAS Brian J. Farschman 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, certified court records from the Cuyahoga County Common Pleas Court and Rocky River Municipal Court, and certified police records from the Fairview Park 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) and (B)(2)(d), hereby **DENIES** Brian J. Farschman's application for a three-year pupil activity permit based upon Mr. Farschman's 2012 conviction in the Cuyahoga County Common Pleas Court for one misdemeanor count of attempted illegal processing of drug documents and 2012 conviction in the Rocky River Municipal Court for one minor misdemeanor count of drug abuse/controlled substance possession or use. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders Brian J. Farschman be

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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. Farschman of this action.

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

President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett	Deborah Cain
Michael Collins	Stephanie Dodd
Tess Elshoff	Sarah Fowler
Thomas Gunlock	Ann Jacobs
C. Todd Jones	Kathleen McGervey
Darryl D. Mehaffie	Mary Rose Oakar
Mark Smith	Debe Terhar
Bryan C. Williams	

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 FIVE-YEAR LONG TERM SUBSTITUTE TEACHING LICENSE OF TRISH N. FREDRITZ**

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

WHEREAS Trish N. Fredritz held a five-year long term substitute teaching license issued in 2006; and

WHEREAS on June 4, 2012, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Trish N. Fredritz of its intent to determine whether to limit, suspend, revoke, or permanently revoke her five-year long term substitute teaching license issued in 2006 pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(b). The notice was based upon Ms. Fredritz's 1995 conviction in the Marion Municipal Court for one misdemeanor count of check fraud and 2011 conviction in the Marion Municipal Court for one misdemeanor count of domestic violence and one misdemeanor count of endangering children; and

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

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WHEREAS a hearing was held on January 10, 2013; and

WHEREAS Ms. Fredritz was not present at the hearing nor was she represented by counsel; and

WHEREAS the hearing officer recommends that Ms. Fredritz's license be revoked and she be permanently ineligible to apply for any license issued by the State Board. The hearing officer's recommendation is based upon Ms. Fredritz's unbecoming conduct which involved her endangering and physically harming a nine-year-old child: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(b), hereby **REVOKES** Trish N. Fredritz's five-year long term substitute teaching license issued in 2006 based upon Ms. Fredritz's 1995 conviction in the Marion Municipal Court for one count of check fraud and 2011 conviction in the Marion Municipal Court for one misdemeanor count of domestic violence and one misdemeanor count of endangering children. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Trish N. Fredritz 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. Fredritz of this action.

It was Moved by Mrs. Cain and Seconded by Mr. Gunlock that the above recommendation (Item 8) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett	Deborah Cain
Michael Collins	Stephanie Dodd
Tess Elshoff	Sarah Fowler
Thomas Gunlock	Ann Jacobs
C. Todd Jones	Kathleen McGervey
Darryl D. Mehaffie	Mary Rose Oakar
Mark Smith	Debe Terhar
Bryan C. Williams	

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 FOUR-YEAR EDUCATIONAL AIDE PERMIT OF DEANA C. HUNEKE**

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

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WHEREAS Deana C. Huneke held a four-year educational aide permit issued in 2008; and

WHEREAS on January 23, 2013, the Acting Superintendent of Public Instruction, on behalf of the State Board of Education, notified Deana C. Huneke of its intent to determine whether to limit, suspend, revoke, or permanently revoke her four-year educational aide permit issued in 2008 pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(b). The notice was based upon Ms. Huneke's 2012 conviction in the Adams County Common Pleas Court for one misdemeanor count of assault. The victim of the offense was a functionally impaired student; and

WHEREAS the notice informed Ms. Huneke that if she fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code, the State Board of Education will proceed to determine whether to limit, suspend, revoke, or permanently revoke her four-year educational aide permit issued in 2008; and

WHEREAS Deana C. Huneke 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, certified court records from the Adams County Common Pleas Court, and certified police records from the Adams County Sheriff's Office; 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)(b), hereby **REVOKES** Deana C. Huneke's four-year educational aide permit issued in 2008 based upon Ms. Huneke's 2012 conviction in the Adams County Common Pleas Court for one misdemeanor count of assault. The victim of the offense was a functionally impaired student. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Deana C. Huneke 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. Huneke of this action.

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

President Terhar called for a roll call vote.

### YES VOTES

Angela Thi Bennett  
Michael Collins

Deborah Cain  
Stephanie Dodd

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Tess Elshoff  
Thomas Gunlock  
C. Todd Jones  
Darryl D. Mehaffie  
Mark Smith  
Bryan C. Williams

Sarah Fowler  
Ann Jacobs  
Kathleen McGervey  
Mary Rose Oakar  
Debe Terhar

Motion carried.

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

**10. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE THE ONE-YEAR EDUCATIONAL AIDE PERMIT OF SHANE D. RUSSO**

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

WHEREAS Shane D. Russo held a one-year educational aide permit issued in 2011; and

WHEREAS on April 23, 2012, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Shane D. Russo of its intent to determine whether to limit, suspend, revoke, or permanently revoke his one-year educational aide permit issued in 2011 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Russo engaging in the following conduct on or about September 13, 2011: forcefully grabbing and pulling a student down onto a bus seat; forcefully removing the student from the seat by grabbing the student by his backpack and pushing the student down the aisle toward the rear of the bus; and threatening the student by saying "get back to Ms. Dolly [a bus aide] before I kill you"; and

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

WHEREAS a hearing was held on December 10, 2012; and

WHEREAS Mr. Russo was present at the hearing and was not represented by counsel; and

WHEREAS the hearing officer recommends that Mr. Russo's one-year educational aide permit be revoked and he be ineligible to apply for any license issued by the State Board until on or after January 1, 2014. The hearing officer's recommendation is based upon Mr. Russo having no prior discipline, Mr. Russo not being charged with a crime or made the subject of a children services investigation, and the student not suffering injury or harm as a result of Mr. Russo's actions; 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

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RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Shane D. Russo's one-year educational aide permit issued in 2011 based upon Mr. Russo engaging in the following conduct on or about September 13, 2011: forcefully grabbing and pulling a student down onto a bus seat; forcefully removing the student from the seat by grabbing the student by his backpack and pushing the student down the aisle toward the rear of the bus; and threatening the student by saying "get back to Ms. Dolly [a bus aide] before I kill you". Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that Shane D. Russo be ineligible to reapply for any license issued by the State Board of Education until on or after January 1, 2014; and, Be It Further

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

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

Ms. McGervey Moved to Amend the resolution by substitution. She moved that Mr. Russo be ineligible to reapply for any license until on or after January 1, 2015. Mrs. Dodd Seconded the motion.

Ms. Oakar asked if the child involved was a special needs child. Ms. Kelly responded the record stated the child had known behavioral problems.

Mr. Jones Moved to Amend the proposed amendment. He moved to permanently revoke the one-year educational aide permit of Mr. Russo. Mr. Jones stated that this offense merited a permanent revocation due to an issue of violence against a small child. Mr. Gunlock Seconded the motion. Mr. Gunlock stated that the video in conjunction with the testimony suggested a very serious situation.

President Terhar called for a roll call vote on Mr. Jones' proposed amendment to the amendment.

**YES VOTES**

Deborah Cain	Michael Collins
Tess Elshoff	Sarah Fowler
Thomas Gunlock	Ann Jacobs
C. Todd Jones	Darryl D. Mehaffie
Mary Rose Oakar	Bryan C. Williams

**NO VOTES**

Angela Thi Bennett	Stephanie Dodd
Kathleen McGervey	Mark Smith
Debe Terhar	

Motion carried.

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

Dr. Smith stated that he had concerns from going to a two-year suspension to a permanent revocation.

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Ms. McGervey stated that she would not support the amended amendment.

Ms. Fowler asked what other options were available regarding the length that a suspension may be imposed. Ms. Kelly responded that the Board may impose a limitation for reapplication for up to five years.

Mrs. Dodd stated she would not support a permanent revocation.

Ms. McGervey Moved to amend the amended amendment. She moved to suspend the one-year educational aide permit of Mr. Russo for five years. Mrs. Bennett Seconded the motion. Ms. McGervey stated she felt this was an appropriate response to the situation.

Ms. Fowler stated she felt it would not be appropriate for someone working with children to make the statement “I am going to kill you” when we are trying to promote an atmosphere of safety in our schools. Mrs. Elshoff agreed with Ms. Fowler and further stated she did not want to send mixed signals of promoting school safety and then let someone back in the classroom after such a statement.

Mr. Mehaffie stated that as a former teacher he could not conceive of telling a child “I will kill you”.

President Terhar called for a roll call vote on the proposed amendment to the amended amendment (five-year suspension).

**YES VOTES**

Angela Thi Bennett  
Ann Jacobs  
Debe Terhar

Stephanie Dodd  
Kathleen McGervey

**NO VOTES**

Deborah Cain  
Tess Elshoff  
Thomas Gunlock  
Darryl D. Mehaffie  
Mary Rose Oakar

Michael Collins  
Sarah Fowler  
C. Todd Jones  
Jeffrey Mims  
Bryan C. Williams

Motion denied.

President Terhar called for a roll call vote on the amended amendment (Permanent Revocation).

**YES VOTES**

Deborah Cain  
Tess Elshoff  
Thomas Gunlock  
Kathleen McGervey  
Jeffrey Mims  
Bryan C. Williams

Michael Collins  
Sarah Fowler  
C. Todd Jones  
Darryl D. Mehaffie  
Mary Rose Oakar

**NO VOTES**

Angela Thi Bennett  
Ann Jacobs

Stephanie Dodd  
Debe Terhar

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Motion carried.

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

**YES VOTES**

Deborah Cain	Michael Collins
Tess Elshoff	Sarah Fowler
Thomas Gunlock	C. Todd Jones
Kathleen McGervey	Darryl D. Mehaffie
Jeffrey Mims	Mary Rose Oakar
Bryan C. Williams	

**NO VOTES**

Angela Thi Bennett	Stephanie Dodd
Ann Jacobs	Debe Terhar

Motion carried.

Amended Resolution:

**10. RESOLUTION TO MODIFY THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER AND TO REVOKE PERMANENTLY THE ONE-YEAR EDUCATIONAL AIDE PERMIT OF SHANE D. RUSSO**

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

WHEREAS Shane D. Russo held a one-year educational aide permit issued in 2011; and

WHEREAS on April 23, 2012, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Shane D. Russo of its intent to determine whether to limit, suspend, revoke, or permanently revoke his one-year educational aide permit issued in 2011 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Russo engaging in the following conduct on or about September 13, 2011: forcefully grabbing and pulling a student down onto a bus seat; forcefully removing the student from the seat by grabbing the student by his backpack and pushing the student down the aisle toward the rear of the bus; and threatening the student by saying "get back to Ms. Dolly [a bus aide] before I kill you"; and

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

WHEREAS a hearing was held on December 10, 2012; and

WHEREAS Mr. Russo was present at the hearing as a member of the public audience; and

WHEREAS the hearing officer recommends that Mr. Russo's one-year educational aide permit be revoked and he be ineligible to apply for any license issued by the State Board until on or after January 1, 2014. The hearing officer's recommendation is based upon Mr. Russo having no prior discipline, Mr. Russo not being charged with a crime or made the subject of a children services

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investigation, and the student not suffering injury or harm as a result of Mr. Russo's actions; and

WHEREAS the Ohio Department of Education timely filed objections to the hearing officer's report and recommendation; and

WHEREAS the State Board of Education considered the report and recommendation of the hearing officer, the objections filed by the Ohio Department of Education, the factors listed in Rule 3301-73-21 of the Ohio Administrative Code, and the ethical standards for the teaching profession as adopted by the State Board in the *Licensure Code of Professional Conduct for Ohio Educators*; and

WHEREAS the State Board finds that Mr. Russo, by failing to request a hearing in accordance with Chapter 119 of the Ohio Revised Code, waived his right to participate in the hearing. Further, the Department of Education had no discretion to allow Mr. Russo to participate in the hearing under the controlling precedent set forth in *Goldman v. State Med. Bd. of Ohio*, 10<sup>th</sup> Dist. No. 98AP-238, 1988 Ohio App. LEXIS 4918 and *Kellough v. Ohio State Bd. of Ed.*, 10<sup>th</sup> Dist. No. 10AP-419, 2011-Ohio-431; and

WHEREAS the State Board finds that the hearing officer erred in allowing Mr. Russo to participate in the administrative hearing by making a statement, which was neither under oath nor subject to cross-examination, and that the hearing officer further erred in questioning Mr. Russo during the administrative hearing; and

WHEREAS the State Board rejects in part the following portions of the hearing officer's report and recommendation and accepts the remaining portions of each numbered/lettered section: reject the phrase "charged with a crime" in the Mitigating/Aggravating Factors section of the Summary Fact Sheet; reject the first sentence in conclusion of law lettered H; reject the phrase "charged with a crime" in the second sentence in conclusion of law lettered I; reject the second sentence in the first paragraph of the Recommendation section; reject the second sentence in the second paragraph of the Recommendation section; and reject the second sentence in the third paragraph of the Recommendation section; and

WHEREAS the State Board finds that Mr. Russo's unbecoming conduct in using physical force to redirect a student and threatening the student with serious physical harm has an impact on his immediate and future licensure and warrants a more severe sanction than the sanction recommended by the hearing officer. The State Board is not persuaded by the mitigating factors in this case. The State Board finds that the nature and seriousness of Mr. Russo's conduct supports an order to revoke his permit and prohibit him from reapplying for any license issued by the State Board of Education. This finding is based upon Mr. Russo's conduct risking the health, safety, and welfare of a student, his conduct occurring in the presence of other students, and his conduct demonstrating that he was unable to control his frustration with the student despite knowing the student had behavioral issues: Therefore, Be It

RESOLVED, That the State Board finds Mr. Russo, by failing to request a hearing in accordance with Chapter 119 of the Ohio Revised Code, waived his right to participate in the hearing. Further, the Department of Education had no discretion to allow Mr. Russo to participate in the hearing under the controlling

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precedent set forth in *Goldman v. State Med. Bd. of Ohio*, 10<sup>th</sup> Dist. No. 98AP-238, 1988 Ohio App. LEXIS 4918 and *Kellough v. Ohio State Bd. of Ed.*, 10<sup>th</sup> Dist. No. 10AP-419, 2011-Ohio-431; and, Be It Further

RESOLVED, That the State Board finds the hearing officer erred in allowing Mr. Russo to participate in the administrative hearing by making a statement, which was neither under oath nor subject to cross-examination, and the hearing officer further erred in questioning Mr. Russo during the administrative hearing; and, Be It Further

RESOLVED, That the State Board rejects in part the following portions of the hearing officer's report and recommendation and accepts the remaining portions of each numbered/lettered section: reject the phrase "charged with a crime" in the Mitigating/Aggravating Factors section of the Summary Fact Sheet; reject the first sentence in conclusion of law lettered H; reject the phrase "charged with a crime" in the second sentence in conclusion of law lettered I; reject the second sentence in the first paragraph of the Recommendation section; reject the second sentence in the second paragraph of the Recommendation section; and reject the second sentence in the third paragraph of the Recommendation section; and, Be It Further

RESOLVED, That the State Board finds Mr. Russo's unbecoming conduct in using physical force to redirect a student and threatening the student with serious physical harm has an impact on his immediate and future licensure and warrants a more severe sanction than the sanction recommended by the hearing officer. The State Board is not persuaded by the mitigating factors in this case. The State Board finds that the nature and seriousness of Mr. Russo's conduct supports an order to revoke his permit and prohibit him from reapplying for any license issued by the State Board of Education. This finding is based upon Mr. Russo's conduct risking the health, safety, and welfare of a student, his conduct occurring in the presence of other students, and his conduct demonstrating that he was unable to control his frustration with the student despite knowing the student had behavioral issues; and, Be It Further

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Shane D. Russo's one-year educational aide permit issued in 2011 based upon Mr. Russo engaging in the following conduct on or about September 13, 2011: forcefully grabbing and pulling a student down onto a bus seat; forcefully removing the student from the seat by grabbing the student by his backpack and pushing the student down the aisle toward the rear of the bus; and threatening the student by saying "get back to Ms. Dolly [a bus aide] before I kill you". Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders that Shane D. Russo be ineligible to reapply 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. Russo of this action.

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

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**11. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO DENY PERMANENTLY THE ONE-YEAR ALTERNATIVE ADMINISTRATIVE PRINCIPAL LICENSE APPLICATION OF ELIJAH M. SCOTT**

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

WHEREAS Elijah M. Scott has applied for a one-year alternative administrative principal license; and

WHEREAS on July 31, 2012, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Elijah M. Scott of its intent to deny or permanently deny his application for a one-year alternative administrative principal license pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Scott's repeated violations of law including multiple violations pertaining to the operation of schools, repeated failure to accurately report financial information, repeated diversion of public assets for private gain, repeated failure to provide a positive role model, and failure to properly supervise school employees; and

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

WHEREAS a hearing was held on November 29, 2012; and

WHEREAS Mr. Scott was not present at the hearing nor was he represented by counsel; and

WHEREAS the hearing officer recommends that Mr. Scott's application for a one-year alternative administrative principal license be denied and he be permanently ineligible to apply for any license issued by the State Board. The hearing officer's recommendation is based upon Mr. Scott's egregious conduct which exhibited a total disregard for his responsibilities as an administrator of a school and the accompanying fiduciary obligations over public funds: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **DENIES** Elijah M. Scott's application for a one-year alternative administrative principal license based upon Mr. Scott's repeated violations of law including multiple violations pertaining to the operation of schools, repeated failure to accurately report financial information, repeated diversion of public assets for private gain, repeated failure to provide a positive role model, and failure to properly supervise school employees. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders Elijah M. Scott 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. Scott of this action.

It was Moved by Mr. Collins and Seconded by Mr. Jones that the above recommendation (Item 11) be approved.

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President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett  
Michael Collins  
Tess Elshoff  
Thomas Gunlock  
C. Todd Jones  
Darryl D. Mehaffie  
Mary Rose Oakar  
Bryan C. Williams

Deborah Cain  
Stephanie Dodd  
Sarah Fowler  
Ann Jacobs  
Kathleen McGervey  
Jeffrey Mims  
Debe Terhar

Motion carried.

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

**12. RESOLUTION TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL SPECIAL ALL GRADES TEACHING LICENSE OF ERIC P. SMITH**

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

WHEREAS Eric P. Smith holds a five-year professional special all grades teaching license issued in 2010; and

WHEREAS on January 15, 2013, the Acting Superintendent of Public Instruction, on behalf of the State Board of Education, notified Eric P. Smith of its intent to determine whether to limit, suspend, revoke, or permanently revoke his five-year professional special all grades teaching license 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. Smith's 2012 conviction in the Summit County Common Pleas Court for one felony count of grand theft and one felony count of misuse of credit cards. The victim of the offenses was Edge Academy; and

WHEREAS the notice informed Mr. Smith that if he fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code, the State Board of Education will proceed to determine whether to limit, suspend, revoke, or permanently revoke his five-year professional special all grades teaching license issued in 2010; and

WHEREAS Eric P. Smith 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, certified court records from the Summit County Common Pleas Court and police records from the Akron 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: 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** Eric P. Smith's five-year professional special all grades teaching license issued in 2010 based upon Mr. Smith's 2012 conviction in the Summit County Common Pleas Court for one felony count of grand theft and one felony count of misuse of credit cards. The victim of the offenses was Edge Academy. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Eric P. Smith 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. Smith of this action.

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

President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett  
Michael Collins  
Tess Elshoff  
Thomas Gunlock  
C. Todd Jones  
Darryl D. Mehaffie  
Mary Rose Oakar  
Bryan C. Williams

Deborah Cain  
Stephanie Dodd  
Sarah Fowler  
Ann Jacobs  
Kathleen McGervey  
Jeffrey Mims  
Debe Terhar

Motion carried.

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

- 13. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL ELEMENTARY TEACHING LICENSE AND FIVE-YEAR PROFESSIONAL ELEMENTARY PRINCIPAL LICENSE OF RONALD A. STEBELTON**

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

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WHEREAS Ronald A. Stebelton holds a five-year professional elementary teaching license issued in 2008 and five-year professional elementary principal license issued in 2008; and

WHEREAS on April 18, 2012, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Ronald A. Stebelton of its intent to determine whether to limit, suspend, revoke, or permanently revoke his five-year professional elementary teaching license issued in 2008 and five-year professional elementary principal license issued in 2008 pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(a) and (F). The notice was based upon Mr. Stebelton's 2011 guilty plea in the United States District Court, Southern District of Ohio, to four felony counts of subscribing to a federal tax return which was false as to a material matter; and

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

WHEREAS a hearing was held on January 24, 2013; and

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

WHEREAS the hearing officer recommends that Mr. Stebelton's licenses be revoked and he be permanently ineligible to apply for any license issued by the State Board. The hearing officer's recommendation is based upon Mr. Stebelton engaging in serious misconduct which was repeated annually for four years and which supports the conclusion that it is inappropriate for Mr. Stebelton to hold a license issued by the State Board for even a limited period of time: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(a) and (F), hereby **REVOKES** Ronald A. Stebelton's five-year professional elementary teaching license issued in 2008 and five-year professional elementary principal license issued in 2008 based upon Mr. Stebelton's 2011 guilty plea in the United States District Court, Southern District of Ohio, to four felony counts of subscribing to a federal tax return which was false as to a material matter. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Ronald A. Stebelton 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. Stebelton of this action.

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

President Terhar called for a roll call vote.

### YES VOTES

Angela Thi Bennett  
Michael Collins

Deborah Cain  
Stephanie Dodd

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Tess Elshoff  
Thomas Gunlock  
C. Todd Jones  
Darryl D. Mehaffie  
Mary Rose Oakar  
Bryan C. Williams

Sarah Fowler  
Ann Jacobs  
Kathleen McGervey  
Jeffrey Mims  
Debe Terhar

Motion carried.

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Mr. Gunlock presented the following recommendation (Item 14):

**14. RESOLUTION TO AMEND RULE 3301-24-08 OF THE ADMINISTRATIVE CODE ENTITLED PROFESSIONAL OR ASSOCIATE 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 3301-24-08 of the Administrative Code, *Professional or associate license renewal*, was amended by the State Board of Education in December 2004 to require career-technical workforce development teachers to earn a college degree applicable to the career field, classroom teaching, or an area of licensure as a condition of qualifying for the second renewal of a professional career-technical workforce development teaching license; and

WHEREAS House Bill 153 of the 129<sup>th</sup> General Assembly established that the State Board of Education shall not adopt a rule requiring an applicant for issuance or renewal of a professional career-technical license that was initially issued based on life experience, professional certification, and practical ability (career-technical workforce development areas) to complete a degree applicable to the career field, classroom teaching, or an area of licensure; and

WHEREAS in accordance with House Bill 153 of the 129<sup>th</sup> General Assembly, the proposed change to the rule would eliminate the paragraph that contains that degree requirement; and

WHEREAS the Capacity Committee, at its December 2012 meeting, voted to recommend adoption of the proposed rule changes to the State Board of Education; and

WHEREAS the State Board of Education, at its January 2013 meeting, adopted a Resolution of Intent to amend Rule 3301-24-08 of the Administrative Code; and

WHEREAS on March 11, 2013 the State Board of Education held a public hearing concerning the proposed amending of Rule 3301-24-08 of the Administrative Code regarding Professional or Associate License Renewal; and

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WHEREAS on April 8, 2013, held a hearing regarding Rule 3301-24-08 of the Administrative Code during which the committee took no action on the rule:  
Therefore, Be It

RESOLVED, That the State Board of Education hereby amends Rule 3301-24-08 of the Administrative Code that is attached and incorporated herein by this reference; and, Be It

FURTHER RESOLVED, That the Acting 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 adopted 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 14) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett  
Michael Collins  
Tess Elshoff  
Thomas Gunlock  
C. Todd Jones  
Darryl D. Mehaffie  
Mary Rose Oakar  
Bryan C. Williams

Deborah Cain  
Stephanie Dodd  
Sarah Fowler  
Ann Jacobs  
Kathleen McGervey  
Jeffrey Mims  
Debe Terhar

Motion carried.

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Mr. Gunlock presented the following recommendation (Item 15):

**15. RESOLUTION TO AMEND RULES 3301-24-19 TO -22 OF THE ADMINISTRATIVE CODE REGARDING ALTERNATIVE RESIDENT EDUCATOR LICENSES**

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 Section 3319.26 of the Revised Code requires the State Board of Education to adopt rules establishing the standards and requirements for obtaining an alternative resident educator license; and

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WHEREAS Rules 3301-24-19 to -22 of the Administrative Code describe the requirements for obtaining alternative resident educator licenses in various areas and for progressing to full licensure and are proposed to be amended in order to align the rules with House Bill 153 of the 129<sup>th</sup> General Assembly; and

WHEREAS House Bill 153 of the 129<sup>th</sup> General Assembly established summer training institutes and professional development programs for alternative licensure that will be approved by the Chancellor of the Ohio Board of Regents; increased the grade band of the designated subject license from grades four to twelve to grades kindergarten to twelve; and specified that the rules for these licenses shall not require applicants to have completed a major in the subject area for which application is being made; and

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

WHEREAS the State Board of Education, at its January 2013 meeting, adopted a Resolution of Intent to amend Rules 3301-24-19 to -22 of the Administrative Code; and

WHEREAS on March 11, 2013 the State Board of Education held a public hearing concerning the proposed amending of Rules 3301-24-19 to -22 of the Administrative Code regarding alternative resident educator licenses; and

WHEREAS on April 8, 2013 the Joint Committee on Agency Rule Review held a hearing regarding Rules 3301-24-19 to -22 of the Administrative Code during which the committee took no action on the rules: Therefore, Be It

RESOLVED, That the State Board of Education hereby amends Rules 3301-24-19 to -22 of the Administrative Code that are attached and incorporated herein by this reference; and, Be It

FURTHER RESOLVED, That the Acting Superintendent of Public Instruction be, and he hereby is, directed to complete the process of amending 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 adopted 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 15) be approved.

President Terhar called for a roll call vote.

### YES VOTES

Angela Thi Bennett  
Michael Collins  
Tess Elshoff  
Thomas Gunlock  
C. Todd Jones  
Darryl D. Mehaffie  
Mary Rose Oakar

Deborah Cain  
Stephanie Dodd  
Sarah Fowler  
Ann Jacobs  
Kathleen McGervey  
Jeffrey Mims  
Debe Terhar

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Bryan C. Williams

Motion carried.

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Mr. Jones presented the following recommendation (Item 16):

**16. RESOLUTION TO ADOPT RULE 3301-35-15 OF THE ADMINISTRATIVE CODE ENTITLED STANDARDS CONCERNING THE IMPLEMENTATION OF POSITIVE BEHAVIOR INTERVENTION SUPPORTS AND THE USE OF RESTRAINT AND SECLUSION**

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

WHEREAS Division (A) and (B) of Section 3301.07 of the Revised Code provide that the State Board of Education shall exercise policy forming functions for the public schools of the state, and shall exercise leadership in the improvement of public education in this state and administer the educational policies of this state relating to public schools; and

WHEREAS Division (D)(2) of Section 3301.07 of the Revised Code provides that the State Board of Education shall formulate and prescribe minimum standards to be applied to all elementary and secondary schools in the state for the purpose of requiring a general education of high quality; and

WHEREAS Division (D)(3) of Section 3301.07 of the Revised Code provides that the State Board of Education may formulate and prescribe additional minimum operating standards for school districts including standards for a commitment for the use of positive behavior intervention supports throughout districts to ensure a safe and secure learning environment for all students; and

WHEREAS on July 31, 2009, United States Secretary of Education Arne Duncan issued a letter urging states to develop or review and, if appropriate, revise state policies and guidelines to ensure that every student is safe and protected from being unnecessarily or inappropriately restrained or secluded; and

WHEREAS on August 3, 2009, the Governor of the State of Ohio issued Executive Order 2009-13S establishing restraint policies and banning prone restraints; and

WHEREAS on October 19, 2009, the State Board of Education adopted Executive Order 2009-13S by Resolution and charged the department with reviewing current policies on restraint and seclusion and developing policy recommendations in these areas; and

WHEREAS on May 17, 2010, pursuant to the work of an interagency task force, the State of Ohio issued a *Policy on Restraint and Seclusion Practices* that applied to fourteen state agencies, including the Ohio Department of Education, that stated that those agencies would develop their own policies, including, at a minimum, the standards set forth in the State of Ohio policy with regard to risk identification, training, and tracking and reporting; and

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WHEREAS during its January and March 2012 meetings, advocates and a former student provided testimony to the State Board of Education regarding the issue of restraint and seclusion in Ohio schools after which the board directed the department to develop and present a set of recommendations on the subject; and

WHEREAS the Ohio Department of Education formed an internal workgroup to address the issue as well as an external stakeholder advisory group to advise the department on the issue of restraint and seclusion; and

WHEREAS in September 2012, a draft of both proposed Rule 3301-35-15 of the Administrative Code and the department's *Policy on Positive Behavior Interventions and Support, and Restraint and Seclusion* was presented to the Achievement Committee for discussion, which were discussed further during its October, November and December 2012 meetings; and

WHEREAS drafts of both the rule and policy were posted for public comment in October 2012, and, as a result, additional changes were made to the rule; and

WHEREAS in December 2012, the department presented to the State Board of Education both the proposed rule and draft policy; and

WHEREAS proposed Rule 3301-35-15 of the Administrative Code would prohibit certain practices of restraint and seclusion, provide that restraint and seclusion are to be used only in circumstances where there is an immediate risk of physical harm, require the tracking and reporting of incidents of restraint and seclusion, require training and professional development, and require school districts to develop written policies and procedures; and

WHEREAS the Achievement Committee, at its January 2013 meeting, voted to recommend adoption of the proposed rule to the State Board of Education; and

WHEREAS the State Board of Education, at its January 2013 meeting, adopted a Resolution of Intent to adopt Rule 3301-35-15 of the Administrative Code; and

WHEREAS on March 12, 2013, the State Board of Education held a public hearing concerning proposed Rule 3301-35-15 of the Administrative Code; and

WHEREAS on April 8, 2013, the Joint Committee on Agency Rule Review held a hearing regarding Rule 3301-35-15 of the Administrative Code during which the committee took no action on the rule: Therefore, Be It

RESOLVED, That the State Board of Education hereby adopts Rule 3301-35-15 of the Administrative Code that is attached and incorporated herein by this reference; and, Be It

FURTHER RESOLVED, That the Acting 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 adopted rule and that the same be made available on request, without charge, to all persons affected by the rule.

It was Moved by Mr. Jones that the above recommendation (Item 16) be approved.

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Ms. Oakar thanked the individuals who had worked on this issue to develop guidelines on behalf of children who had suffered abuse.

President Terhar stated she was honored to be a part of this issue.

Ms. Fowler stated there are structures in place to appropriately address individuals who make a habit of abusing children. She further stated she believed that school districts should be encouraged to take responsibility for their actions. She stated she had concerns that this is a top-down mandate and where funding would come from for training. She also asked if any pilot studies had been done. Mr. Jones responded that positive behavioral supports is a practice that has been widely replicated across the nation. Mr. Jones also noted there are numerous un-funded mandates placed on districts, which are primarily limited to health and safety.

Mrs. Bennett stated she had concerns with funding and implementation of PBIS regarding the training of only select individuals in a building rather than the entire staff.

President Terhar called for a roll call vote.

### YES VOTES

Deborah Cain	Michael Collins
Stephanie Dodd	Thomas Gunlock
Ann Jacobs	C. Todd Jones
Darryl D. Mehaffie	Jeffrey Mims
Mary Rose Oakar	Debe Terhar

### NO VOTES

Angela Thi Bennett	Sarah Fowler
Kathleen McGervey	Bryan C. Williams

### ABSTAIN

Tess Elshoff

Motion carried.

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### Non-Resolutions

#### **New Business**

Mr. Williams stated that Board members may have seen the issue of Medina City Schools and expenditures by the Education Service Center that are coming to light regarding the superintendent. He requested the State Board investigate if such a loophole exists for these typed of expenditures to be made without the approval of the local Board of Education. President Terhar responded by requesting Vice President Gunlock have the Capacity Committee address the issue.

Mr. Williams requested the State Board, possibly on a monthly basis, could extend to students an invitation to showcase projects they have undertaken.

Mrs. Elshoff also suggested that arts and music programs have the opportunity to perform for the State Board during lunches.

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Mrs. Bennett stated she had attended the Connect the Dots conference and wanted to commend Department staff for an outstanding conference.

Mrs. Dodd thanked President Terhar and Vice President Gunlock for their efforts in addressing a recent issue she brought forth regarding changes to administrative rules and the Operating Standards.

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Mrs. Bennett Moved to adjourn the meeting. Mrs. Dodd Seconded the motion.

The President requested a voice vote.

Motion carried.

President Terhar adjourned the meeting at 2 p.m. The next regularly scheduled meeting of the State Board of Education is May 13-14, 2013.

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.