

Minutes of the December 2013 Meeting of the State Board of Education of Ohio

**STATE BOARD OF EDUCATION OF OHIO
MINUTES**

December 2013
Ohio Department of Education
25 South Front Street
Columbus, Ohio 43215

MEMBERS OF THE STATE BOARD OF EDUCATION

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

EX OFFICIO MEMBERS

Senator Peggy Lehner	Representative Gerald Stebelton
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SECRETARY

Dr. Richard A. Ross
Superintendent of Public Instruction

Ms. Jacobs was absent on Tuesday.

The State Board convened on Monday, December 9, at the Ohio Department of Education in Columbus.

Chapter 119 Hearing

December 9, 2013
8:30 a.m.

Hearing Regarding the Amending, Rescinding and Adoption of Rules

The amending of Rule 3301-8-01 of the Administrative Code, entitled Payment of debt charges under the state credit enhancement program; The rescinding of Rule 3301-71-01, entitled Poverty-based assistance; The amending of Rule 3301-26-01 of the Administrative Code, entitled Examinations for educator licensure; and The amending of Rule 3301-24-04 of the Administrative Code, entitled Teacher residency.

MEMBERS PRESENT

Deborah Cain	Stephanie Dodd
Joe Farmer	Sarah Fowler
Thomas Gunlock	C. Todd Jones

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Darryl D. Mehaffie
Ron Rudduck
Debe Terhar

Jeffrey Mims
Mark Smith

President Terhar stated the Board would proceed with the public hearing on the following rule actions: The amending of Rule 3301-8-01 of the Administrative Code, entitled Payment of debt charges under the state credit enhancement program; The rescinding of Rule 3301-71-01, entitled Poverty-based assistance; The amending of Rule 3301-26-01 of the Administrative Code, entitled Examinations for educator licensure; and The amending of Rule 3301-24-04 of the Administrative Code, entitled Teacher residency.

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

Mr. Casey presented the following Board Exhibits:

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

Board Exhibits 2 through 5 would be true and accurate copies of the Resolutions of Intent adopted by the State Board of Education declaring its intent to amend and to rescind the rules subject to this public hearing;

Board Exhibit 6 would be a true and accurate copy of the rules subject to this public hearing that were originally filed with Joint Committee on Agency Rule Review (JCARR), Legislative Service Commission (LSC), and the Secretary of State on November 8, 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 7.

President Terhar announced that the Board would now receive testimony on the proposed amending of Rule 3301-8-01 of the Administrative Code, entitled *Payment of debt charges under the state credit enhancement program* and the rescinding of Rule 3301-71-01, entitled *Poverty-based assistance*.

PUBLIC TESTIMONY ON THE PROPOSED AMENDING OF RULE 3301-8-01 OF THE ADMINISTRATIVE CODE, ENTITLED PAYMENT OF DEBT CHARGES UNDER THE STATE CREDIT ENHANCEMENT PROGRAM AND THE RESCINDING OF RULE 3301-71-01, ENTITLED POVERTY-BASED ASSISTANCE.

There were no requests.

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President Terhar announced that the Board would now receive testimony on the proposed amending of Rule 3301-26-01 of the Administrative Code, entitled *Examinations for educator licensure* and the amending of Rule 3301-24-04 of the Administrative Code, entitled *Teacher residency*.

PUBLIC TESTIMONY ON THE PROPOSED AMENDING OF RULE 3301-26-01 OF THE ADMINISTRATIVE CODE, ENTITLED EXAMINATIONS FOR EDUCATOR LICENSURE AND THE AMENDING OF RULE 3301-24-04 OF THE ADMINISTRATIVE CODE, ENTITLED TEACHER RESIDENCY.

There were no requests.

President Terhar called on Ms. Albers, who submitted into evidence State Board Exhibits 1 through 6.

The President stated that the exhibits were so received. As there was no more testimony, she declared the public hearing closed at 8:45 a.m.

President Terhar convened the Business Meeting of the State Board of Education on Monday, November 11, at 8:45 a.m.

President Terhar asked the Recording Secretary to call the roll.

MEMBERS PRESENT

Deborah Cain	Stephanie Dodd
Joe Farmer	Sarah Fowler
Thomas Gunlock	C. Todd Jones
Darryl D. Mehaffie	Jeffrey Mims
Ron Rudduck	Mark Smith
Debe Terhar	

EX OFFICIO MEMBERS

Senator Peggy Lehner	Representative Gerald Stebelton
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MEMBERS ABSENT

Michael Collins	Tess Elshoff
Ann Jacobs	Kathleen McGervey
Mary Rose Oakar	

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

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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. Mehaffie Seconded the motion.

The President called for a roll call vote.

YES VOTES

Deborah Cain	Stephanie Dodd
Joe Farmer	Sarah Fowler
Thomas Gunlock	C. Todd Jones
Darryl D. Mehaffie	Jeffrey Mims
Ron Rudduck	Mark Smith
Debe Terhar	

Motion carried.

The Board went into Executive Session at 8:45 a.m.

The Board recessed from Executive Session at 10:15 a.m.

President Terhar recessed the State Board Business meeting at 10:15 a.m.

The Board took a brief recess.

The Board's Achievement, Capacity and Committee on Urban and Rural Renewal met beginning at 10:30 a.m.

The State Board recessed for lunch.

The Board's Appointment's Committee met during lunch to discuss an appointment to the Educator Standards Board.

President Terhar reconvened the Business Meeting of the State Board of Education on Monday, December 9, at 1:30 p.m.

President Terhar asked the Recording Secretary to call the roll.

MEMBERS PRESENT

Deborah Cain	Michael Collins
Stephanie Dodd	Tess Elshoff
Joe Farmer	Sarah Fowler
Thomas Gunlock	Ann Jacobs
C. Todd Jones	Kathleen McGervey

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Darryl D. Mehaffie
Mary Rose Oakar
Mark Smith

Jeffrey Mims
Ron Rudduck
Debe Terhar

EX OFFICIO MEMBERS

Senator Peggy Lehner

Representative Gerald Stebelton

NOTE: Mr. Collins, Ms. Jacobs and Mr. Mims entered the room after roll call.

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

Mr. Rudduck Seconded the motion.

The President called for a roll call vote.

YES VOTES

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

Michael Collins
Tess Elshoff
Sarah Fowler
Ann Jacobs
Kathleen McGervey
Jeffrey Mims
Ron Rudduck
Debe Terhar

Motion carried.

The Board went into Executive Session at 1:30p.m.

The Board recessed from Executive Session at 2:15 p.m.

President Terhar recessed the State Board Business meeting at 2:15 p.m.

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:

English Language Proficiency Assessment (ELPA 21) Standards for English Language Learners:

The Committee received an update and discussed the English Language Learner (ELL) standards and English language assessment. The current English Language Proficiency (ELP) standards were developed in 2007, new ELP standards and are being revisited in order to ensure ELL students are receiving sufficient support. The standards address reading, writing, listening, and speaking and are aligned with Ohio's New Learning Standards. The intent is to have the

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standards completed by the end of December 2013 and then to create a new ELP assessment aligned to the standards.

Operating Standards for Children with Disabilities:

The Committee discussed the upcoming changes to the OAC 3301-51-01 through 3301-51-11 and 3301-51-21 as a part of the 5-year revision process. The Committee will continue its discussion at the January meeting and be asked to move forward with a resolution of intent.

Reading Competencies:

The Committee discussed the reading competency requirements pursuant to SB 21. The adoption of these competencies is intended to occur by January 31st, 2014. The Department presented information on the reading competencies and explained they will inform training and credential programs, assessments for teacher licensure and reading endorsement programs. The reading competencies will be presented to the full board in January for adoption.

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 SB 337, Certificate of Qualification for Employment for Persons Subject to Collateral Sanctions:

The Committee received an update regarding Am. Sub. S.B. 337 to address collateral sanctions a person may be subjected to because of a conviction or guilty plea to a criminal offense. The law creates a process for affected individuals to obtain a Certificate of Qualification for Employment (CQE) that would lift automatic bars to licensure and employment. The State Board could consider whether to deny or issue licenses to CQE grantees on a case-by-case basis. Committee members requested additional information regarding how the Board might address placing conditions on licenses issued to CQE grantees so that, for example, they could teach only in adult corrections settings and not work with children. It was also noted by staff that licensed health care professionals received special considerations/exemptions in this legislation, while licensed educators did not, and that Department legislative recommendations around this issue might be something to think about in the future, since it might prove difficult to deny or limit licensure for someone who had been granted a CQE by a court. This matter will again be discussed by the Committee in early 2014.

Discuss Rule 3301-69-03, Medicaid Cost Reimbursement:

Staff presented proposed changes to rule 3301-69-03, Medicaid Cost Reimbursement, which is up for five-year review and requires technical changes to update Ohio Revised Code references. No substantive changes to the rule were recommended. The Committee voted to recommend approval of the proposed rule to the Full Board.

BOARD PRESENTATIONS AND DISCUSSION FROM THE URBAN AND RURAL RENEWAL COMMITTEE

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

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

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- Dr. John Richard reviewed the previous work of the Committee.
- The Committee agreed to a set of goals to guide their work.
- These goals include:
 - Identifying effective practices in Ohio's LEA's & schools by convening stakeholders from urban and rural districts (what's working; what's not)
 - Soliciting input & feedback from districts & schools regarding proposed solutions & interventions regarding non-academic challenges
 - Developing a proposed implementation plan
- In the coming weeks and months:
 - Dr. Richard will visit the Massachusetts Department of Education and report to the Committee best practices that may possibly be replicated in Ohio
 - The committee will invite Cornell Lewis from the Expanding Visions Foundation (a Columbus- based mentorship program) to speak to us about the organization and logistics of a mentorship program
 - The committee will discuss and hear presentations from successful urban and rural schools and mentorship programs (Scioto Elementary; Citizen Schools)
 - The committee will invite representatives from the Urban 8 districts to discuss non-academic issues, including effective & non-effective practice
 - The committee will invite representatives from Appalachian & rural districts to discuss non-academic issues, including effective & non-effective practice
 - The committee and the Department will develop & implement a work team through Offices of Distress Commissions & Ed Reform and Improvement & Innovation, including stakeholders to begin drafting recommendations for the committee
- The committee plans to propose an implementation plan for how best to assist the lowest performing schools to the Full Board in June.
- As the committee works with Department staff to develop the implementation plan, they will focus on:
 - Leadership training
 - Mentorship programs
 - Getting input from all stakeholders
 - Facilitating collaboration between schools and community groups.

President Terhar recessed the Board meeting at 2:30 p.m.

Following the Board meeting, the Board's Operating Standards Committee and Accountability Committee met.

President Terhar reconvened the meeting of the State Board of Education on Tuesday, December 10, at 9 a.m.

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The Board's Legislative and Budget Committee met beginning at 9 a.m.

President Terhar reconvened the Business meeting of the State Board of Education on Tuesday, December 10, at 10:15 a.m.

President Terhar asked the Recording Secretary to call the roll.

MEMBERS PRESENT

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

EX OFFICIO MEMBERS

Senator Peggy Lehner	Representative Gerald Stebelton
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MEMBERS ABSENT

Ann Jacobs

Motion carried.

The President called on Todd Jones, who welcomed Board members and guests, and led the Board in the Pledge of Allegiance.

Presentation by Representative John Adams and Senator Larry Obhof on Founding Documents

Representative Adams and Senator Obhof discussed with Board members Senate Bill 165 and its implementation.

President Terhar called for the approval of the Minutes of the November 2013 meeting. She asked if there were any corrections to the Minutes.

There were no corrections

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

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Motion carried unanimously.

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

President Terhar announced that Item 3 would be voted on separately and Item 4 had been removed from the Voting Agenda.

Consent Agenda (5); Volume 2

1. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE FOUR-YEAR RESIDENT EDUCATOR TEACHING LICENSE AND THREE-YEAR PUPIL ACTIVITY PERMIT OF TYLER A. GAMBLE (VOLUME 2, PAGE 4)
2. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE FOUR-YEAR EDUCATIONAL AIDE PERMIT OF MATTHEW D. GROSS (VOLUME 2, PAGE 7)
3. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL EDUCATION OF THE HANDICAPPED TEACHING LICENSE AND FIVE-YEAR PROFESSIONAL ELEMENTARY TEACHING LICENSE OF CHARLOTTE A. HOTT (VOLUME 2, PAGE 10)
4. RESOLUTION OF INTENT TO AMEND RULE 3301-51-15 OF THE ADMINISTRATIVE CODE ENTITLED OPERATING STANDARDS FOR IDENTIFYING AND SERVING GIFTED STUDENTS (VOLUME 2, PAGE 13)
5. RESOLUTION OF INTENT TO AMEND RULE 3301-69-03 OF THE ADMINISTRATIVE CODE ENTITLED MEDICAID SCHOOL COMPONENT ADMINISTRATIVE COSTS (VOLUME 2, PAGE 35)

Territory Transfers (0); Volume 2

There were no Territory Transfers in December.

Items 6 through 12 were school personnel resolutions.

Administrative Rules (1); Volume 3

13. RESOLUTION TO ADOPT RULE 3301-28-07 OF THE ADMINISTRATIVE CODE REGARDING KINDERGARTEN THROUGH THIRD GRADE LITERACY IMPROVEMENT AND TO AMEND RULE 3301-28-06 OF THE ADMINISTRATIVE CODE REGARDING THE VALUE-ADDED PROGRESS DIMENSION (VOLUME 3, PAGE 165)

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Miscellaneous Resolutions (4): Volume 4

14. RESOLUTION OF APPOINTMENT TO THE EDUCATOR STANDARDS BOARD (VOLUME 4, PAGE 4) (APPOINTMENTS COMMITTEE)
15. RESOLUTION TO DECLINE CONFIRMATION OF THE ROCKY RIVER CITY SCHOOL DISTRICT'S DETERMINATION OF IMPRACTICAL TRANSPORTATION OF CERTAIN STUDENTS ATTENDING ST. BERNADETTE ELEMENTARY SCHOOL, WESTLAKE, OHIO. (VOLUME 4, PAGE 16)
16. RESOLUTION TO DECLINE CONFIRMATION OF THE ROCKY RIVER CITY SCHOOL DISTRICT'S DETERMINATION OF IMPRACTICAL TRANSPORTATION OF CERTAIN STUDENTS ATTENDING ST. PAUL LUTHERAN SCHOOL, WESTLAKE, OHIO. (VOLUME 4, PAGE 25)
17. RESOLUTION TO DECLINE CONFIRMATION OF THE ROCKY RIVER CITY SCHOOL DISTRICT'S DETERMINATION OF IMPRACTICAL TRANSPORTATION OF CERTAIN STUDENTS ATTENDING ST. RAPHAEL ELEMENTARY SCHOOL, BAY VILLAGE, OHIO. (VOLUME 4, PAGE 34)

BOARD PRESENTATIONS AND DISCUSSION FROM THE OPERATING STANDARDS COMMITTEE

Chair: Ron Rudduck, Co-Chair: Daryl Mehaffie

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

The Committee received feedback from various stakeholders regarding their thoughts and experiences with the Operating Standards.

The Committee received an update from the Department regarding a new rule for Blended Learning.

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:

Update on Report Card:

Chris Woolard, Director, Office of Accountability, provided an update on the status of the development and release of the financial data, the gifted dashboard, and the migration of the CTE report card into the interactive site. All development work is currently on track.

CTE Presentations:

The CTE staff reviewed the grading schema for the Technical Skill attainment measure that was presented and proposed in last month's meeting. After discussion and clarification from the staff, the committee unanimously approved the recommended grading schema.

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The CTE staff also presented the criteria for approval of Industry Credentials and the recommended tiers of the Credentials. After some discussion and clarification from the staff, the committee unanimously approved the proposed criteria and tiers.

Dropout Prevention and Recovery Report Card:

The staff from the office of quality school options presented a proposed timeline for the review and approval of both the student growth measure and the Overall Designation for the Dropout Prevention and Recovery report card. The committee committed to the proposed timeline.

BOARD PRESENTATIONS AND DISCUSSION FROM THE LEGISLATIVE AND BUDGET COMMITTEE

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

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

Kelly Weir, Executive Director, Office of Legislative Services and Budgetary Planning, provided an update on House Bills 342 (Brenner- Straight A Fund Changes) and 193 (Brenner-Graduation Requirements).

Jennifer Hogue provided an update on House Bills 113 (Antonio/Henne- Physical Education Exemption), 181(Brenner- Data Privacy) and 215 (DeVitis- School Safety), and Senate Bill 229 (Gardner- OTES).

President Terhar announced that Ms. McGervey will be assuming the role of committee chair.

BOARD PRESENTATIONS AND DISCUSSION FROM THE APPOINTMENTS COMMITTEE

Chair: Joe Farmer, Co-Chair: Deb Cain

Mr. Farmer gave a report from the Appointments Committee meeting focusing on the following issues:

The Committee voted to recommend to the full Board that Mr. Stephen Osborne be appointed to the Educator Standards Board for the remainder of the term, which will expire on June 30, 2014.

President Terhar called on Superintendent Ross for his report.

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

- Clarification regarding the identification of gifted students
- Third Grade Reading Guarantee
- Straight A Fund

This concludes the Superintendent's report.

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PUBLIC PARTICIPATION ON ACTION ITEMS

There was no Public Participation on Action Items.

PUBLIC PARTICIPATION ON NONACTION ITEMS

There was no Public Participation on Nonaction Items.

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

President Terhar reminded Board members that Item 3 would be voted on separately and that Item 4 had been pulled from the Voting Agenda and would be voted on in January.

President Terhar presented the following recommendations (Items 1, 2 and 5) on the Consent Agenda:

- 1. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE FOUR-YEAR RESIDENT EDUCATOR TEACHING LICENSE AND THREE-YEAR PUPIL ACTIVITY PERMIT OF TYLER A. GAMBLE**

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

WHEREAS Tyler A. Gamble holds a four-year resident educator teaching license issued in 2011 and three-year pupil activity permit issued in 2012; and

WHEREAS on November 18, 2013, the Ohio Department of Education received a voluntary surrender form from Tyler A. Gamble, which authorizes the State Board to enter an order permanently revoking his four-year resident educator teaching license issued in 2011 and three-year pupil activity permit issued in 2012 based upon Mr. Gamble's alleged failure to maintain appropriate teacher-student boundaries; and

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

WHEREAS Tyler A. Gamble has waived his right to a hearing and authorized the State Board of Education to enter an order permanently revoking his four-year resident educator teaching license issued in 2011 and three-year pupil activity permit issued in 2012: 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** Tyler A. Gamble's four-year resident educator teaching license issued in 2011 and three-year pupil activity permit issued in 2012 based upon Mr. Gamble's alleged failure to maintain appropriate teacher-student boundaries. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Tyler

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A. Gamble 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. Gamble of this action.

2. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE FOUR-YEAR EDUCATIONAL AIDE PERMIT OF MATTHEW D. GROSS

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

WHEREAS Matthew D. Gross held a four-year educational aide permit issued in 2006; and

WHEREAS on October 31, 2013, the Ohio Department of Education received a voluntary surrender form from Matthew D. Gross, which authorizes the State Board to enter an order permanently revoking his four-year educational aide permit issued in 2006 based upon Mr. Gross' 2013 conviction in the Muskingum County Court of Common Pleas for one felony count of attempted gross sexual imposition and one felony count of attempted perjury; and

WHEREAS the form specifies that Matthew D. Gross is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

WHEREAS Matthew D. Gross has waived his right to a hearing and authorized the State Board of Education to enter an order permanently revoking his four-year educational aide permit issued in 2006: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B) (1) and (B)(2)(a) and Ohio Revised Code 3319.311(F), hereby **REVOKES** Matthew D. Gross' four-year educational aide permit issued in 2006 based upon Mr. Gross' 2013 conviction in the Muskingum County Court of Common Pleas for one felony count of attempted gross sexual imposition and one felony count of attempted perjury. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Matthew D. Gross 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. Gross of this action.

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

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

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

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

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

WHEREAS the Capacity Committee, during its December 2013 meeting, voted to recommend adoption of the proposed changes to the rule to the State Board of Education: Therefore, Be It

RESOLVED, That the State Board of Education hereby declares its intent to amend Rule 3301-69-03 of the Administrative Code, which is attached hereto and incorporated herein by this reference; and, Be It

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

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

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

It was Moved by Mrs. Cain and Seconded by Mr. Farmer that the Consent Agenda (Items 1, 2 and 5) be approved.

Mr. Collins wanted to confirm the reason for pulling Item 4 from the Consent Agenda was that an impartial interpretation of the matter would be provided to the Board in January. President Terhar confirmed this was the case and asked Board members to submit any questions they might have on the gifted rule in advance. Mr. Collins stated that if access to dual-enrollment opportunities are adjusted in any form or fashion, there are potential conflicts of interest in the room, which need to be considered when moving forward.

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President Terhar called for a roll call vote.

YES VOTES

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

Michael Collins
Joe Farmer
Thomas Gunlock
Kathleen McGervey
Jeffrey Mims
Mark Smith

Motion carried.

President Terhar presented the following recommendation (Item 3):

- 3. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL EDUCATION OF THE HANDICAPPED TEACHING LICENSE AND FIVE-YEAR PROFESSIONAL ELEMENTARY TEACHING LICENSE OF CHARLOTTE A. HOTT**

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

WHEREAS Charlotte A. Hott holds a five-year professional education of the handicapped teaching license issued in 2011 and five-year professional elementary teaching license issued in 2011; and

WHEREAS on November 21, 2013, the Ohio Department of Education received a voluntary surrender form from Charlotte A. Hott, which authorizes the State Board to enter an order permanently revoking her five-year professional education of the handicapped teaching license issued in 2011 and five-year professional elementary teaching license issued in 2011 based upon Ms. Hott's failure to maintain appropriate student-teacher boundaries and failure to manage her classroom in an appropriate manner; and

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

WHEREAS Charlotte A. Hott has waived her right to a hearing and authorized the State Board of Education to enter an order permanently revoking her five-year professional education of the handicapped teaching license issued in 2011 and five-year professional elementary teaching license issued in 2011: 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** Charlotte A. Hott's five-year professional education of the handicapped teaching license issued in 2011 and five-year professional elementary teaching license issued in 2011 based upon Ms. Hott's failure to maintain appropriate student-teacher boundaries and failure to manage her classroom in an appropriate manner. Further, the State Board, in accordance with Ohio Administrative Code Rule

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3301-73-22(A)(2)(b), orders Charlotte A. Hott 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. Hott of this action.

It was Moved by Ms. McGervey and Seconded by Mr. Collins that the above recommendation (Item 3) be approved.

President Terhar called for a roll call vote.

YES VOTES

Deborah Cain	Michael Collins
Stephanie Dodd	Joe Farmer
Sarah Fowler	Thomas Gunlock
Kathleen McGervey	Darryl D. Mehaffie
Jeffrey Mims	Mary Rose Oakar
Mark Smith	Debe Terhar

ABSTAIN

C. Todd Jones

Motion carried.

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 PERMANENTLY THE FIVE-YEAR ADOLESCENCE TO YOUNG ADULT SUBSTITUTE TEACHING LICENSE OF LORENZO B. BELCHER

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

WHEREAS Lorenzo B. Belcher holds a five-year adolescence to young adult substitute teaching license issued in 2009; and

WHEREAS on May 23, 2013, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Lorenzo B. Belcher of its intent to determine whether to limit, suspend, revoke, or permanently revoke his five-year adolescence to young adult substitute teaching license issued in 2009 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Belcher engaging in an inappropriate relationship with a student, including taking the student to a dance and returning her home early in the morning, purchasing gifts for the student, allowing the student to drive his car knowing the student did not possess a valid driver's license, and driving the student to school after his employing district directed him to have no further contact with the student; and

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

WHEREAS a hearing was held on September 23, 2013; and

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

WHEREAS the hearing officer recommends that Mr. Belcher's license be revoked and he be permanently ineligible to apply for any license issued by the State Board of Education. The hearing officer's recommendation is based upon Mr. Belcher clearly crossing the lines of appropriate boundaries in his interactions with a student, including taking the student to a college dance and not returning her home until early the next morning, permitting the student to engage in illegal activity by allowing her to drive his vehicle knowing she did not have a driver's license, and purchasing several gifts for the student and her family: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Lorenzo B. Belcher's five-year adolescence to young adult substitute teaching license issued in 2009 based upon Mr. Belcher engaging in an inappropriate relationship with a student, including taking the student to a dance and returning her home early in the morning, purchasing gifts for the student, allowing the student to drive his car knowing the student did not possess a valid driver's license, and driving the student to school after his employing district directed him to have no further contact with the student. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Lorenzo B. Belcher 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. Belcher of this action.

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

President Terhar called for a roll call vote.

YES VOTES

Deborah Cain	Michael Collins
Stephanie Dodd	Joe Farmer
Sarah Fowler	Thomas Gunlock
C. Todd Jones	Kathleen McGervey
Darryl D. Mehaffie	Jeffrey Mims
Mary Rose Oakar	Mark Smith
Debe Terhar	

Motion carried.

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

7. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO ISSUE, SUSPEND, AND LIMIT THE THREE-YEAR PUPIL ACTIVITY PERMIT APPLICATION OF BENJAMIN R. BROWN

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

WHEREAS Benjamin R. Brown has applied for a three-year pupil activity permit; and

WHEREAS on January 10, 2013, the Acting State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Benjamin R. Brown of its intent to deny or permanently deny his three-year pupil activity permit pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(b), and (F). The notice was based upon Mr. Brown's 2004 conviction in the Findlay Municipal Court for one misdemeanor count of underage consumption and one misdemeanor count of aggravated disorderly conduct, 2003 conviction in the Perrysburg Municipal Court for one minor misdemeanor count of drug abuse/marijuana possession, 2003 conviction in the Toledo Municipal Court for one misdemeanor count of assault, and 2001 conviction in the Findlay Municipal Court for one misdemeanor count of underage consumption; and

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

WHEREAS a hearing was held on August 8, 2013; and

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

WHEREAS the hearing officer recommends that Mr. Brown's permit be issued and suspended retroactively for sixty days from July 1, 2012 to August 31, 2012. Further, the hearing officer recommends that Mr. Brown's permit be limited to the Northwood Local School District. The hearing officer's recommendation is based upon the forthrightness exhibited by Mr. Brown at the hearing, the life changes he has made, the educational and professional accomplishments he has achieved, the positive influence he has upon his community and local school, his desire and ability to motivate students to achieve their goals, and his desire and ability to overcome obstacles and past bad choices: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(b), and (F), hereby **ISSUES** and **SUSPENDS** Benjamin R. Brown's three-year pupil activity permit from July 1, 2012 to August 31, 2012 based upon Mr. Brown's 2004 conviction in the Findlay Municipal Court for one misdemeanor count of underage consumption and one misdemeanor count of aggravated disorderly conduct, 2003 conviction in the Perrysburg Municipal Court for one minor misdemeanor count of drug abuse/marijuana possession, 2003 conviction in the Toledo Municipal Court for one misdemeanor count of assault, and 2001 conviction in the Findlay Municipal Court for one misdemeanor count of underage consumption. Further, the State Board hereby **LIMITS**

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Benjamin R. Brown's permit to the Northwood Local School District; and, Be It Further

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

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

President Terhar called for a roll call vote.

YES VOTES

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

Motion carried.

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 DENY PERMANENTLY THE ONE-YEAR ADULT EDUCATION PERMIT APPLICATION OF JOHN C. BRUNGART

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

WHEREAS John C. Brungart has applied for a one-year adult education permit; and

WHEREAS on February 18, 2013, the Acting State Superintendent of Public Instruction, on behalf of the State Board of Education, notified John C. Brungart of its intent to deny or permanently deny his application for a one-year adult education permit pursuant to Ohio Revised Code 3319.31(B)(1), [redacted in accordance with Ohio law], and (F). The notice was based upon Mr. Brungart's 2005 summary suspension of his pharmacy license by the Ohio State Board of Pharmacy after he admitted to stealing numerous dangerous drugs for his personal abuse, 2006 indefinite suspension of his pharmacy license after the Ohio State Board of Pharmacy found that he was addicted to drugs, or abusing drugs, to such a degree as to render him unfit to practice pharmacy, 2008 voluntary surrender of his reinstated pharmacy license in order to settle additional disciplinary charges before the Ohio State Board of Pharmacy, and [redacted in accordance with Ohio law]; and

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

WHEREAS a hearing was held on August 27, 2013; and

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

WHEREAS the hearing officer recommends that Mr. Brungart's 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 the gravity of Mr. Brungart's misconduct as evidenced by his abuse of prescription drugs as early as 1989, the multiple disciplinary actions against his pharmacy license, and his continued abuse of prescription drugs after the Ohio State Board of Pharmacy gave him a second chance to control his addiction: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), [redacted in accordance with Ohio law], and (F), hereby **DENIES** John C. Brungart's application for a one-year adult education permit based upon Mr. Brungart's 2005 summary suspension of his pharmacy license by the Ohio State Board of Pharmacy after he admitted to stealing numerous dangerous drugs for his personal abuse, 2006 indefinite suspension of his pharmacy license after the Ohio State Board of Pharmacy found that he was addicted to drugs, or abusing drugs, to such a degree as to render him unfit to practice pharmacy, 2008 voluntary surrender of his reinstated pharmacy license in order to settle additional disciplinary charges before the Ohio State Board of Pharmacy, and [redacted in accordance with Ohio law]. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders John C. Brungart 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. Brungart of this action.

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

President Terhar called for a roll call vote.

YES VOTES

Deborah Cain
Stephanie Dodd
Joe Farmer
Thomas Gunlock
Kathleen McGervey
Jeffrey Mims
Mark Smith

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

Motion carried.

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

9. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL PRINCIPAL LICENSE AND FIVE-YEAR PROFESSIONAL EDUCATION OF THE HANDICAPPED TEACHING LICENSE OF TODD R. DOLWICK

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

WHEREAS Todd R. Dolwick holds a five-year professional principal license issued in 2010 and five-year professional education of the handicapped teaching license issued in 2010; and

WHEREAS on February 26, 2013, the Acting State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Todd R. Dolwick of its intent to determine whether to limit, suspend, revoke, or permanently revoke his five-year professional principal license issued in 2010 and five-year professional education of the handicapped teaching license issued in 2010 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Dolwick's 2012 conviction in the Girard Municipal Court for one misdemeanor count of disorderly conduct, which stemmed from Mr. Dolwick throwing his eleven-year-old son on a bed and allegedly choking him; and

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

WHEREAS a hearing was held on August 13, 2013; and

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

WHEREAS the hearing officer recommends that Mr. Dolwick'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. Dolwick's enraged and physically aggressive behavior, and his choice not to appear at the hearing to explain his actions or otherwise offer any mitigation in this matter: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Todd R. Dolwick's five-year professional principal license issued in 2010 and five-year professional education of the handicapped teaching license issued in 2010 based upon Mr. Dolwick's 2012 conviction in the Girard Municipal Court for one misdemeanor count of disorderly conduct, which stemmed from Mr. Dolwick throwing his eleven-year-old son on a bed and allegedly choking him. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Todd R. Dolwick 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. Dolwick of this action.

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

President Terhar called for a roll call vote.

YES VOTES

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

Motion carried.

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 PERMANENTLY THE FIVE-YEAR PROFESSIONAL COMPREHENSIVE HIGH SCHOOL TEACHING LICENSE OF MICHAEL R. LUSSIER

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

WHEREAS Michael R. Lussier holds a five-year professional comprehensive high school teaching license issued in 2010; and

WHEREAS on March 8, 2013, the Acting State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Michael R. Lussier of its intent to determine whether to limit, suspend, revoke, or permanently revoke his five-year professional comprehensive high school teaching license issued in 2010 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Lussier violating the terms of his consent agreement, which he entered into with the State Board of Education in September 2011, by failing to complete six hours of training regarding student-teacher boundaries; and

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

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

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

WHEREAS the hearing officer recommends that Mr. Lussier's license be revoked and he be permanently ineligible to apply for any license issued by the State

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Board. The hearing officer's recommendation is based upon Mr. Lussier not honoring his commitment to the consent agreement and his nonchalant attitude towards his teaching license: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Michael R. Lussier's five-year professional comprehensive high school teaching license issued in 2010 based upon Mr. Lussier violating the terms of his consent agreement, which he entered into with the State Board of Education in September 2011, by failing to complete six hours of training regarding student-teacher boundaries. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Michael R. Lussier 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. Lussier of this action.

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

President Terhar called for a roll call vote.

YES VOTES

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

Motion carried.

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

11. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO DENY THE THREE-YEAR PUPIL ACTIVITY PERMIT APPLICATION OF ANTHONY C. ROBERTS

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

WHEREAS Anthony C. Roberts has applied for a three-year pupil activity permit; and

WHEREAS on April 23, 2013, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Anthony C. Roberts 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), (B)(2)(b), (B)(2)(c) and (F). The

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notice was based upon Mr. Roberts' 2010 conviction in the Circuit Court of Kanawha County, West Virginia for one misdemeanor count of possession of a controlled substance (cocaine), 2002 conviction in the Dayton Municipal Court for one misdemeanor count of carrying a concealed weapon, 1999 conviction in the Champaign County Municipal Court for one misdemeanor count of theft, 1999 conviction in the Champaign County Municipal Court for one misdemeanor count of assault, and failure to disclose his convictions on his pending application and his previous application in 2009; and

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

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

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

WHEREAS the hearing officer recommends that Mr. Roberts' license be denied and he be ineligible to apply for any license until five years after the date of his last conviction. The hearing officer's recommendation is based upon the following mitigation: all of Mr. Roberts' convictions, except one, occurred while Mr. Roberts was in college; Mr. Roberts returned to his school community to serve as a mentor to students and encourage them not to make the same mistakes he did; Mr. Roberts takes responsibility for his actions and has complied with all court orders related to his convictions; and Mr. Robert's failure to disclose his convictions on his applications does not appear intentional, but rather Mr. Roberts did not understand that he had to disclose his convictions: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(b), (B)(2)(c) and (F), hereby **DENIES** Anthony C. Roberts' application for a three-year pupil activity permit based upon Mr. Roberts' 2010 conviction in the Circuit Court of Kanawha County, West Virginia for one misdemeanor count of possession of a controlled substance (cocaine), 2002 conviction in the Dayton Municipal Court for one misdemeanor count of carrying a concealed weapon, 1999 conviction in the Champaign County Municipal Court for one misdemeanor count of theft, 1999 conviction in the Champaign County Municipal Court for one misdemeanor count of assault, and failure to disclose his convictions on his pending application and his previous application in 2009. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(a), orders that Anthony C. Roberts be ineligible to reapply for any license issued by the State Board of Education until on after April 5, 2015, five years after the date of his late criminal conviction; and, Be It Further

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

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

Mrs. Dodd stated that she would be voting no on this resolution because she did not agree with the findings of the Hearing Officer. She pointed out the incidents occurred in college and that Mr.

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Roberts has been in Dayton Public Schools for six to seven years and has served as a mentor to students.

President Terhar called for a roll call vote.

YES VOTES

Sarah Fowler	Thomas Gunlock
C. Todd Jones	Kathleen McGervey
Darryl D. Mehaffie	Jeffrey Mims
Debe Terhar	

NO VOTES

Deborah Cain	Michael Collins
Stephanie Dodd	Tess Elshoff
Joe Farmer	Mary Rose Oakar
Mark Smith	

Motion denied.

Mr. Jones requested a clarification that Mr. Roberts would be ineligible to receive a license by operation of statute on the basis of the nature of the conviction for five years. Ms. Kelly responded that Mr. Roberts has previously held a license and therefore is not a first time applicant, so the rehabilitation criteria in Administrative Code 3301-20-01 are not applicable to Mr. Roberts. Mr. Roberts would be eligible for a license.

Dr. Smith Moved to reconsider Item 11. Mr. Mehaffie Seconded the motion.

President Terhar called for a roll call vote on the motion to reconsider Item 11.

YES VOTES

Tess Elshoff	Joe Farmer
Sarah Fowler	Thomas Gunlock
C. Todd Jones	Kathleen McGervey
Darryl D. Mehaffie	Jeffrey Mims
Mark Smith	Debe Terhar

NO VOTES

Deborah Cain	Michael Collins
Stephanie Dodd	Mary Rose Oakar

Motion carried.

Ms. Oakar Moved to Amend the resolution by substitution. She stated that she requests Mr. Roberts be required to undergo counseling and be on probation for a duration of six months, but be eligible to teach during this time. Mr. Collins Seconded the motion. Ms. Kelly responded that a term of monitoring may be required and that a stayed suspension may be appropriate.

After discussion, the following resolution was brought forth by Ms. Oakar;

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**RESOLUTION TO ACCEPT THE REPORT OF THE HEARING OFFICER,
TO MODIFY THE RECOMMENDATION OF THE HEARING OFFICER,
AND TO ISSUE AND SUSPEND THE THREE-YEAR PUPIL ACTIVITY
PERMIT APPLICATION OF ANTHONY C. ROBERTS WITH THE
SUSPENSION TO BE STAYED**

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

WHEREAS Anthony C. Roberts has applied for a three-year pupil activity permit;
and

WHEREAS on April 23, 2013, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Anthony C. Roberts 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), (B)(2)(b), (B)(2)(c) and (F). The notice was based upon Mr. Roberts' 2010 conviction in the Circuit Court of Kanawha County, West Virginia for one misdemeanor count of possession of a controlled substance (cocaine), 2002 conviction in the Dayton Municipal Court for one misdemeanor count of carrying a concealed weapon, 1999 conviction in the Champaign County Municipal Court for one misdemeanor count of theft, 1999 conviction in the Champaign County Municipal Court for one misdemeanor count of assault, and failure to disclose his convictions on his pending application and his previous application in 2009; and

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

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

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

WHEREAS the hearing officer recommends that Mr. Roberts' license be denied and he be ineligible to apply for any license until five years after the date of his last conviction. The hearing officer's recommendation is based upon the following mitigation: all of Mr. Roberts' convictions, except one, occurred while Mr. Roberts was in college; Mr. Roberts returned to his school community to serve as a mentor to students and encourage them not to make the same mistakes he did; Mr. Roberts takes responsibility for his actions and has complied with all court orders related to his convictions; and Mr. Roberts' failure to disclose his convictions on his applications does not appear intentional, but rather Mr. Roberts did not understand that he had to disclose his convictions; and

WHEREAS the State Board of Education considered the report and recommendation of the hearing officer; and

WHEREAS the State Board of Education accepts the report of the hearing officer, but modifies the hearing officer's recommendation to deny Mr. Roberts' permit and make him ineligible to apply for any license issued by the State Board until on or after April 5, 2015; and

WHEREAS the State Board finds that Mr. Roberts' unbecoming conduct warrants disciplinary action. However, the State Board is not persuaded that Mr. Roberts' permit should be denied. The State Board finds that Mr. Roberts' permit should

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be issued and suspended for a period of three years with the suspension to be stayed as long as Mr. Roberts has no new criminal convictions or violations of Ohio Revised Code 3319.31(B)(1): Therefore, Be It

RESOLVED that the State Board of Education accepts the report of the hearing officer, but modifies the hearing officer's recommendation to deny Mr. Roberts' permit and make him ineligible to apply for any license issued by the State Board until on or after April 5, 2015; and, Be It Further

RESOLVED the State Board finds that Mr. Roberts' unbecoming conduct warrants disciplinary action. However, the State Board is not persuaded that Mr. Roberts' permit should be denied. The State Board finds that Mr. Roberts' permit should be issued and suspended for a period of three years with the suspension to be stayed as long as Mr. Roberts has no new criminal convictions or violations of Ohio Revised Code 3319.31(B)(1): and, Be It Further

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(b), (B)(2)(c) and (F), hereby **ISSUES** Anthony C. Roberts' application for a three-year pupil activity permit and **SUSPENDS** his permit for three years with the suspension to be stayed as long as Mr. Roberts has no new criminal convictions or violations of Ohio Revised Code 3319.31(B)(1) . The stayed suspension is based upon Mr. Roberts' 2010 conviction in the Circuit Court of Kanawha County, West Virginia for one misdemeanor count of possession of a controlled substance (cocaine), 2002 conviction in the Dayton Municipal Court for one misdemeanor count of carrying a concealed weapon, 1999 conviction in the Champaign County Municipal Court for one misdemeanor count of theft, 1999 conviction in the Champaign County Municipal Court for one misdemeanor count of assault, and failure to disclose his convictions on his pending application and his previous application in 2009; and, Be It Further

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

Mrs. Dodd stated she would support the proposed resolution.

Mrs. Cain noted that Mr. Roberts was not a regular classroom teacher at this time. President Terhar called for a roll call vote.

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

YES VOTES

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

Motion carried.

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

YES VOTES

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

Motion carried.

Ms. Oakar thanked Board members for their support.

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

12. RESOLUTION TO DENY PERMANENTLY THE ONE-YEAR EDUCATIONAL AIDE PERMIT APPLICATION OF JAMIE V. SAUNT

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

WHEREAS Jamie V. Saunt (aka Janie Sonth) has applied for a one-year educational aide permit; and

WHEREAS on September 16, 2013, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Jamie V. Saunt of its intent to deny or permanently deny her application for a one-year educational aide permit pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(a), and (B)(2)(c) and Rule 3301-20-01(E)(2)(C) of the Ohio Administrative Code. The notice was based upon Ms. Saunt's 2002 conviction in the Cuyahoga County Court of Common Pleas for one felony count of theft, 2002 conviction in the Stow Municipal Court for one misdemeanor count of theft, 1999 conviction in the Lake County Court of Common Pleas for one felony count of receiving stolen property, 1998 conviction in the Cuyahoga County Court of Common Pleas for one misdemeanor count of attempted passing bad checks, 1998 conviction in the Cuyahoga County Court of Common Pleas for one misdemeanor count of theft, 1998 conviction in a separate case in the Cuyahoga County Court of Common Pleas for one misdemeanor count of theft, 1998 conviction in the Criminal Court of the City of New York for one misdemeanor count of petit larceny, 1998 conviction in the Criminal Court of the City of New York for one misdemeanor count of criminal possession of a weapon, 1998 conviction in the Criminal Court of the City of New York for one misdemeanor count of theft of services, and 1995 conviction in the Geauga County Court of Common Pleas for one misdemeanor count of falsification; and

WHEREAS the notice informed Ms. Saunt that if she failed within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code, the

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State Board of Education would proceed to deny or permanently deny her application for a one-year educational aide permit; and

WHEREAS Jamie V. Saunt did not request a hearing in accordance with Section 119.07 of the Revised Code; and

WHEREAS the State Board of Education has reviewed the affidavit of the Director of the Office of Professional Conduct, Notice of the State Board of Education's Intended Action and Opportunity for a Hearing, and certified court records from the Cuyahoga County Court of Common Pleas, Stow Municipal Court, Lake County Court of Common Pleas, Criminal Court of the City of New York, and Geauga County Common Pleas Court; and

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

WHEREAS Ms. Saunt is not eligible for licensure by the State Board of Education since she cannot meet the rehabilitation criteria established by Rule 3301-20-01 of the Ohio Administrative Code because she has been convicted of felony and theft-related offenses in two or more cases: 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) and Rule 3301-20-01(E)(2)(C) of the Ohio Administrative Code, hereby **DENIES** Jamie V. Saunt's application for a one-year educational aide permit based upon Ms. Saunt's 2002 conviction in the Cuyahoga County Court of Common Pleas for one felony count of theft, 2002 conviction in the Stow Municipal Court for one misdemeanor count of theft, 1999 conviction in the Lake County Court of Common Pleas for one felony count of receiving stolen property, 1998 conviction in the Cuyahoga County Court of Common Pleas for one misdemeanor count of attempted passing bad checks, 1998 conviction in the Cuyahoga County Court of Common Pleas for one misdemeanor count of theft, 1998 conviction in a separate case in the Cuyahoga County Court of Common Pleas for one misdemeanor count of theft, 1998 conviction in the Criminal Court of the City of New York for one misdemeanor count of petit larceny, 1998 conviction in the Criminal Court of the City of New York for one misdemeanor count of criminal possession of a weapon, 1998 conviction in the Criminal Court of the City of New York for one misdemeanor count of theft of services, and 1995 conviction in the Geauga County Court of Common Pleas for one misdemeanor count of falsification. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders Jamie V. Saunt 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. Saunt of this action.

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

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President Terhar called for a roll call vote.

YES VOTES

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

Motion carried.

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

13. RESOLUTION TO ADOPT RULE 3301-28-07 OF THE ADMINISTRATIVE CODE REGARDING KINDERGARTEN THROUGH THIRD GRADE LITERACY IMPROVEMENT AND TO AMEND RULE 3301-28-06 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 (B)(3) of Section 3302.03 of the Revised Code, as enacted by House Bill 555 of the 129th General Assembly, requires the State Board of Education, not later than December 31, 2013, to adopt rules that prescribe the methods by which the performance measures established pursuant to Division (B)(1)(f) of Section 3302.03 Revised Code regarding the *Value-Added Progress* measure for student subgroups and Division (B)(1)(g) of Section 3302.03 of the Revised Code regarding the *Kindergarten through Third Grade Literacy Improvement* measure will be assessed and assigned a letter grade, including performance benchmarks for each grade; and

WHEREAS Section 3313.608 of the Revised Code establishes the *Third Grade Reading Guarantee* to emphasize and ensure literacy for all third grade students through annual diagnostics, interventions, reading improvement plans and specially qualified teachers; and

WHEREAS a new measure, entitled *Kindergarten through Third Grade Literacy Improvement*, will determine whether a school district or building is making progress in improving literacy in accordance with the *Third Grade Reading Guarantee* beginning with the 2013-2014 Local Report Card and will calculate student improvement using reading diagnostic assessments year-to-year and the *Grade Three Reading Ohio Achievement Assessment*; and

WHEREAS the definition of “gifted student” for the disaggregated value-added progress measure is new for the 2013-2014 school year Local Report Card and specifies that all students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code be included in the measure; and

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WHEREAS the calculation and assignment of letter grade for the gifted student *Value-Added Progress* measure remains unchanged; and

WHEREAS the Accountability Committee met four times over six months to discuss and create the new *Kindergarten through Third Grade Literacy Improvement* measure and the gifted student *Value-Added Progress* measure; and

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

WHEREAS on November 11, 2013, the State Board of Education held a public hearing concerning the proposed amending and adoption of the rules subject to this resolution; and

WHEREAS on November 12, 2013, the Joint Committee on Agency Rule Review held a hearing regarding the proposed rule actions subject to this resolution during which the committee took no action on the rules: Therefore, Be It

RESOLVED, That the State Board of Education hereby amends Rule 3301-28-06 and adopts Rule 3301-28-07 of the Administrative Code that are attached hereto and incorporated herein by this reference; and, Be It

FURTHER RESOLVED, That the Superintendent of Public Instruction be, and he hereby is, directed to complete the process of amending and adopting the rules by filing with the Secretary of State, Legislative Service Commission, and the Joint Committee on Agency Rule Review, the full text of the rules to be amended and adopted and that the same be made available on request, without charge, to all persons affected by the rules.

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

President Terhar called for a roll call vote.

YES VOTES

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

Motion carried.

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

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14. RESOLUTION OF APPOINTMENT TO THE EDUCATOR STANDARDS BOARD

The Board Appointments Team **RECOMMENDS** that the State Board of Education **ADOPT** the following Resolution:

WHEREAS, Ohio Revised Code Section 3319.60 provides for the creation of an Educator Standard Board charged with bringing to the State Board of Education recommendations on standards for teachers and principals, professional development and other educator-related items and;

WHEREAS, Ohio Revised Code Section 3319.60 directed the State Board of Education to appoint to the Educator Standards Board ten public school teachers, one non-public school teacher, five administrators, one school board member and one parent representative; and

WHEREAS, one appointed member has resigned; and

WHEREAS, the designated stakeholder groups have nominated two individuals for each open seat on the Educator Standards Board; and

WHEREAS, the Board Appointments Team has reviewed the nominations for said Board and presented its recommendations to the State Board; and

WHEREAS, the State Board of Education has reviewed those recommendations:
Therefore, Be It

RESOLVED, That the State Board of Education hereby appoints the following individual to the Educator Standards Board for the remainder of the term, which will expire on June 30, 2014.

Stephen Osborne Treasurer, Ohio Association of School Business Officials

It was Moved by Mr. Farmer that the above recommendation (Item 14) be approved.

President Terhar called for a roll call vote.

YES VOTES

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

Motion carried.

President Terhar presented the following recommendation (Item 15):

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15. RESOLUTION TO DECLINE CONFIRMATION OF THE ROCKY RIVER CITY SCHOOL DISTRICT'S DETERMINATION OF IMPRACTICAL TRANSPORTATION OF CERTAIN STUDENTS ATTENDING ST. BERNADETTE ELEMENTARY SCHOOL, WESTLAKE, OHIO.

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

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

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

WHEREAS in compliance with procedures adopted by the State Board of Education on July 12, 1982, regarding payment in lieu of transportation, the Rocky River City School District has requested that the State Board of Education confirm the school district's determination that it is impractical to transport certain students to St. Bernadette Elementary School in Westlake, Ohio;

WHEREAS on December 11, 2012, the State Board of Education resolved its intent to consider the confirmation of the Rocky River City School District Board of Education's determination and notified the parties of their right to a hearing; and

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

WHEREAS the hearing officer has issued a report and recommendation that the State Board of Education decline to confirm the determination of the Rocky River City School District Board of Education that such transportation is impractical on October 4, 2013; and

WHEREAS no timely objections to the hearing officer's report and recommendation were filed by the parties; and

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

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

RESOLVED, that the State Board of Education approves the recommendation of the hearing officer and does hereby decline to confirm the determination of the Rocky River City School District Board of Education that transportation is impractical for certain students who attend St. Bernadette Elementary School in Westlake, Ohio; and Be It

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

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

President Terhar called for a roll call vote.

YES VOTES

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

Motion carried.

President Terhar presented the following recommendation (Item 16):

16. RESOLUTION TO DECLINE CONFIRMATION OF THE ROCKY RIVER CITY SCHOOL DISTRICT'S DETERMINATION OF IMPRACTICAL TRANSPORTATION OF CERTAIN STUDENTS ATTENDING ST. PAUL LUTHERAN SCHOOL, WESTLAKE, OHIO.

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

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

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

WHEREAS in compliance with procedures adopted by the State Board of Education on July 12, 1982, regarding payment in lieu of transportation, the Rocky River City School District has requested that the State Board of Education confirm the school district's determination that it is impractical to transport certain students to St. Paul Lutheran School in Westlake, Ohio;

WHEREAS on December 11, 2012, the State Board of Education resolved its intent to consider the confirmation of the Rocky River City School District Board of Education's determination and notified the parties of their right to a hearing; and

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

WHEREAS the hearing officer has issued a report and recommendation that the State Board of Education decline to confirm the determination of the Rocky River

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City School District Board of Education that such transportation is impractical on October 4, 2013; and

WHEREAS no timely objections to the hearing officer’s report and recommendation were filed by the parties; and

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

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

RESOLVED, that the State Board of Education approves the recommendation of the hearing officer and does hereby decline to confirm the determination of the Rocky River City School District Board of Education that transportation is impractical for certain students who attend St. Paul Lutheran School in Westlake, Ohio; and Be It

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

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

President Terhar called for a roll call vote.

YES VOTES

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

Motion carried.

President Terhar presented the following recommendation (Item 17):

- 17. RESOLUTION TO DECLINE CONFIRMATION OF THE ROCKY RIVER CITY SCHOOL DISTRICT’S DETERMINATION OF IMPRACTICAL TRANSPORTATION OF CERTAIN STUDENTS ATTENDING ST. RAPHAEL ELEMENTARY SCHOOL, BAY VILLAGE, OHIO.**

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

WHEREAS Sections 3327.01 and 3327.02 of the Revised Code authorize a city, local, or exempted village board of education to make a determination that

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transporting certain school-age residents is unnecessary, unreasonable, or impractical; and

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

WHEREAS in compliance with procedures adopted by the State Board of Education on July 12, 1982, regarding payment in lieu of transportation, the Rocky River City School District has requested that the State Board of Education confirm the school district's determination that it is impractical to transport certain students to St. Raphael Elementary School in Bay Village, Ohio;

WHEREAS on December 11, 2012, the State Board of Education resolved its intent to consider the confirmation of the Rocky River City School District Board of Education's determination and notified the parties of their right to a hearing; and

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

WHEREAS the hearing officer has issued a report and recommendation that the State Board of Education decline to confirm the determination of the Rocky River City School District Board of Education that such transportation is impractical on October 4, 2013; and

WHEREAS no timely objections to the hearing officer's report and recommendation were filed by the parties; and

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

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

RESOLVED, that the State Board of Education approves the recommendation of the hearing officer and does hereby decline to confirm the determination of the Rocky River City School District Board of Education that transportation is impractical for certain students who attend St. Raphael Elementary School in Bay Village, Ohio; and Be It

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

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

President Terhar called for a roll call vote.

YES VOTES

Deborah Cain
Stephanie Dodd

Michael Collins
Tess Elshoff

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Joe Farmer
Thomas Gunlock
Kathleen McGervey
Jeffrey Mims
Mark Smith

Sarah Fowler
C. Todd Jones
Darryl D. Mehaffie
Mary Rose Oakar
Debe Terhar

Motion carried.

Non-Resolutions
New Business

Ms. Elshoff stated in January, she would be bringing forth a resolution to support cursive handwriting in the schools of Ohio.

Mr. Casey reviewed with Board members the Berkshire School District and Newbury School Districts desire to consolidate. The two school districts will present their plan to the Board at the January meeting.

Mr. Jones congratulated Mr. Mims for his success and wished him the best of luck in his new position. Mr. Mims stated that it has been an honor to serve.

Ms. Oakar stated that Ms. Jacobs could not be present today due to her brother being involved in a car accident, and asked Board members to remember her during this time.

President Terhar asked Board members to keep Mrs. Elshoff in their thoughts as her grandmother had passed.

Ms. Fowler Moved to adjourn the meeting. Mr. Mims 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 January 13-14, 2014.

ATTEST:



Debe Terhar
President
State Board of Education



Dr. Richard A. Ross
Superintendent of Public Instruction

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