Dr. Smith was absent on Monday. Mr. Farmer was absent on Tuesday.

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

Chapter 119 Hearing

June 8, 2015
8:30 a.m.

Hearing Regarding the Amending, Rescinding and Adoption of Rules

The amending of Rules 3301-3-01, -06, and -07 of the Administrative Code, Information technology centers; the rescission of Rule 3301-29-01 of the Administrative Code, Community school EMIS reporting; and the adoption of Rule 3301-56-02 of the Administrative Code, Reaching achievement improvement plans.
President Gunlock stated the Board would proceed with the public hearing on the following rule actions: The amending of Rules 3301-3-01, -06, and -07 of the Administrative Code, Information technology centers; the rescission of Rule 3301-29-01 of the Administrative Code, Community school EMIS reporting; and the adoption of Rule 3301-56-02 of the Administrative Code, Reaching achievement improvement plans.

The President called on Rebecca Albers from the Office of the Attorney General, Chief of the Education Section. Ms. Albers called on Sharron Jennings, Interim Chief Legal Counsel for the Ohio Department of Education.

Ms. Jennings 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, 3, and 4 would be true and accurate copies of the resolutions adopted by the State Board of Education declaring its intent to amend, rescind, and adopt the rules subject to this public hearing;

Board Exhibit 5 would be a true and accurate copy of the rules subject to this public hearing that were originally filed with the Joint Committee on Agency Rule Review (JCARR), Legislative Service Commission (LSC), and the Secretary of State on May 7, 2015.

Ms. Jennings explained the rules had been made available to all persons affected by the rules.

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

President Gunlock announced that the Board would now receive testimony on the proposed actions before the Board.

There were no requests.

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

The President stated that the exhibits were so received. As there was no more testimony, he declared the public hearing closed at 8:35 a.m.
Minutes of the June 2015 Meeting of the State Board of Education of Ohio

The Board’s Achievement & Graduation Requirements and Capacity Committee met beginning at 8:40 a.m.

The Board’s Urban and Rural Renewal Committee, and Accountability Committee met beginning at 9:30 a.m.

The State Board recessed for lunch.

President Gunlock convened the Business meeting of the State Board of Education on Monday, June 8, at 1 p.m.

President Gunlock asked the Recording Secretary to call the roll.

MEMBERS PRESENT
Melanie P. Bolender Pat Bruns
Michael Collins Stephanie Dodd
Tess Elshoff Joe Farmer
Cathye Flory Sarah Fowler
Thomas Gunlock Robert F. Hagan
Ann Jacobs C. Todd Jones
Kathleen McGervey Mary Rose Oakar
Roslyn Painter-Goffi Ron Rudduck
Rebecca Vazquez-Skillings A.J. Wagner

EX OFFICIO MEMBERS
Senator Peggy Lehner Representative Bill Hayes

MEMBERS ABSENT
Mark Smith

Report of the Superintendent of Public Instruction

Superintendent Ross provided Board members with updates on the following topics:
- Start Talking! Presenter; Sarah Smith, Director, Start Talking!, Ohio Department of Mental Health & Addiction Services
- Drug Free Action Alliance: Presenter; Marcie Seidel.
- Virtual Summer Camp
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.

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

Ms. Fowler requested that Item 2 be voted on separately.

Consent Agenda (4); Volume 2

1. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER/DENIAL AND TO ENTER AN ORDER TO DENY PERMANENTLY THE FIVE-YEAR PROFESSIONAL SPECIAL ALL GRADES TEACHING LICENSE, FIVE-YEAR PROFESSIONAL HIGH SCHOOL TEACHING LICENSE, AND FIVE-YEAR PROFESSIONAL EDUCATION OF THE HANDICAPPED TEACHING LICENSE APPLICATIONS OF CYNTHIA P. HANISH

2. RESOLUTION OF INTENT TO ADOPT RULES 3301-28-08 THROUGH 3301-28-10 OF THE OHIO ADMINISTRATIVE CODE REGARDING THE CALCULATION OF REPORT CARD COMPONENTS AND OVERALL REPORT CARD GRADES

3. RESOLUTION TO APPROVE THE PLAN OF THE GOVERNING BOARD FOR THE ROSS- PIKE EDUCATIONAL SERVICE DISTRICT TO RESCIND ITS PLAN TO APPOINT MEMBERS TO THE BOARD, PURSUANT TO SECTION 3311.056 OF THE OHIO REVISED CODE

4. RESOLUTION OF INTENT TO CONSIDER THE PROPOSED TRANSFER OF SCHOOL DISTRICT TERRITORY FROM THE COLUMBUS CITY SCHOOL DISTRICT, FRANKLIN COUNTY, TO THE WESTERVILLE CITY SCHOOL DISTRICT, FRANKLIN COUNTY, PURSUANT TO SECTION 3311.24 OF THE OHIO REVISED CODE

Territory Transfers (0); Volume 2

There were no Territory Transfers for adoption in June.

Items 5 through 11 were school personnel resolutions.

Administrative Rules (2); Volume 3

12. RESOLUTION TO AMEND RULES 3301-32-01, 3301-32-02, 3301-32-04 TO 3301-32-06, AND 3301-32-08 TO 3301-32-12 OF THE ADMINISTRATIVE CODE REGARDING SCHOOL-AGE CHILD CARE PROGRAMS

**Miscellaneous Resolutions (1); Volume 4**

14. **RESOLUTION TO ADOPT A HIGH SCHOOL VALUE-ADDED MEASURE**

**EXECUTIVE SESSION**
President Gunlock called on Vice President Elshoff, 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.

Mrs. Bolender Seconded the motion.

The President called for a roll call vote.

**YES VOTES**
- Melanie P. Bolender
- Michael Collins
- Tess Elshoff
- Cathye Flory
- Thomas Gunlock
- C. Todd Jones
- Mary Rose Oakar
- Ron Rudduck
- A.J. Wagner
- Pat Bruns
- Stephanie Dodd
- Joe Farmer
- Sarah Fowler
- Ann Jacobs
- Kathleen McGervey
- Roslyn Painter-Goffi
- Rebecca Vazquez-Skillings

Motion carried.

The Board went into Executive Session at 2:40 p.m.

The Board recessed from Executive Session at 3:50 p.m.

President Gunlock recessed the State Board Business meeting at 3:50 p.m.

President Gunlock recessed the Board meeting at 3:50 p.m.
President Gunlock reconvened the meeting of the State Board of Education on Tuesday, June 9, at 9:15 a.m.

The Board’s Legislative and Budget Committee met beginning at 9:15 a.m.

**FULL BOARD ETHICS TRAINING**
Presenter: Susan Willeke, Ohio Ethics Commission

The State Board of Education received two hours of required biennial ethics training from the Ohio Ethics Commission beginning at 10:10 a.m.

The Board took a brief recess.

President Gunlock reconvened the Business meeting of the State Board of Education on Tuesday, June 9, at 11:45 a.m.

The following members were present.

MEMBERS PRESENT
Melanie P. Bolender  Pat Bruns
Michael Collins  Stephanie Dodd
Tess Elshoff  Cathye Flory
Sarah Fowler  Thomas Gunlock
Robert F. Hagan  Ann Jacobs
C. Todd Jones  Kathleen McGervey
Mary Rose Oakar  Roslyn Painter-Goffi
Ron Rudduck  Mark Smith
Rebecca Vazquez-Skillings  A.J. Wagner

EX OFFICIO MEMBERS
Senator Peggy Lehner  Representative Bill Hayes

MEMBERS ABSENT
Joe Farmer

The President called on Stephanie Dodd, who welcomed Board members and guests, and led the Board in the Pledge of Allegiance.
BOARD PRESENTATIONS AND DISCUSSION FROM THE ACHIEVEMENT AND GRADUATION REQUIREMENTS COMMITTEE
Chair: Todd Jones, Vice Chair: Rebecca Vazquez-Skillings
Mr. Jones gave a report from the Achievement and Graduation Requirements Committee meeting focusing on the following issues:

- Update on revised Physical Education Standards and stakeholder feedback. Committee voted to approve the standards. Full board adoption is expected in July.
- Update on Kindergarten through Grade 3 standards in approaches toward learning, social and emotional development, and physical well-being. Reviewed the development process, stakeholder input, and plan for providing guidance to districts on their use. The standards are not required in state law but Ohio committed to develop these standards as part of its Early Learning Challenge Grant. The standards extend Ohio’s Early Learning and Development Standards (birth to kindergarten entry) up to grade 3.
- Update on plan and timeline for Financial Literacy model curriculum and public comment.
- Update on assessment implementation. Districts completed approximately 60% of the testing online and 40% paper. Review of plan for reducing and modifying the PARCC assessment.

BOARD PRESENTATIONS AND DISCUSSION FROM THE CAPACITY COMMITTEE
Chair: Melanie Bolender, Vice Chair: Sarah Fowler
Mrs. Bolender gave a report from the Capacity Committee meeting focusing on the following issues:

- The Committee had several licensure rules before it for review. The rules had primarily technical edits and edits to better align them to current laws and rules. The Committee voted to recommend that the Board vote in July on a Resolution of Intent to Adopt the following rules:
  - 3301-24-16 (Senior Professional Educator License)
  - 3301-24-17 (Lead Professional Educator License)
  - 3301-24-11 (Alternative Principal License)
  - 3301-24-05 (Licensure)
  - 3301-24-14 (Supplemental Teaching License)
- The committee heard a presentation from Matt DiBartolomeo, EdD of the Evaluation Systems Group of Pearson regarding test development and score-setting for the examinations of the Ohio Assessments for Educators (OAE). The Educator Standards Board has recommended that the Board adopt lower cut scores for four content areas and a higher cut score for the Early Childhood Educator content area assessment.
- The committee tabled the discussion regarding the areas with a lower cut score recommendation but will reconvene the discussion next month and will request that the Board vote to adopt the Committee’s final recommendations in July.
- The Committee voted to recommend the Educator Standards Board’s recommendation to raise the Early Childhood Educator content area assessment cut score by one standard error measurement and will ask the Board to formally adopt this recommendation in July.

BOARD PRESENTATIONS AND DISCUSSION FROM THE URBAN AND RURAL RENEWAL COMMITTEE
Chair: Mary Rose Oakar, Vice Chair: Tess Elshoff
Ms. Oakar gave a report from the Urban and Rural Renewal Committee meeting focusing on the following issues:
Minutes of the June 2015 Meeting of the State Board of Education of Ohio

- ODE, Educational Program Specialist, Tarik White, discussed updates on the committee’s resource website page
  - Mr. White passed out sample screen shots showing website pages and changes of the website
  - Mr. White facilitated discussion regarding the content and additions desired by committee members.
- Claire Huff-Franklin introduced ODE, Director of the Office of Improvement and Innovation, Jennifer Vargo.
  - Mrs. Vargo gave a brief description of her office along with two of her Educational Program Specialists, Diane Longstreth and Sandra Hay. Below are points discussed:
    - The Office of Improvement and Innovation’s mission is to provide school improvement support to districts and schools to accelerate student achievement and success for All students in Ohio
    - Their responsibility is to provide a continuum of school improvement supports based on Ohio’s Differentiated Accountability System and federal requirements for low performing schools and schools with significant achievement gaps
    - The accountability supports continuum includes the:
      - Academic Distress Commission (ADC), which is additionally supported by a separate office in ODE.
      - Intensive Supports
      - Moderate Supports
      - Independent, which receives minimal supports
    - This office also supports the Ohio Improvement Process system (OIP)
      - Focused improvement plan
      - Collaborative and distributive leadership structures
      - Data driven decision making
      (Supports for OIP: 16 Regional State Support Teams (SST) and Transformational Specialist
    - School Turnaround has:
      - 140 Priority Schools
      - All have federal funds to engage in the work of school improvement
      - All have the support of a transformation specialist-veteran school administrators
- The board committee discussed their visit to the Youngstown Academic Distress meeting held on May 28th. Each committee member that attended the meeting gave an overview of their experience on interviewing with teachers, principals, students, ADC members and Board members.
- Next Steps:
  - JLJ Vision Outreach presentation for July
  - ODE, Office of Federal Programs for July Board meeting
    - Send the committee members a website link, of the office, to review before the office presents
  - Committee district visits to the following:
    - Wapokeneta- September
    - Lima- September

BOARD PRESENTATIONS AND DISCUSSION FROM THE ACCOUNTABILITY COMMITTEE
Chair: Mark Smith, Vice Chair: Mike Collins
Mr. Collins gave a report from the Accountability Committee meeting focusing on the following issues:

**K-3 Literacy Improvement Measure:**
Chris Woolard provided background information and revisited the K-3 Literacy Improvement Measure. He shared the following with the committee:
- The recently released K-3 Grades were based on 2012-13 and 2013-14 data
- K-3 Grades will be released on the 2015 report card and will be based on 2013-14 and 2014-15 data
- Additional research by the department shows that in 2003-04 thirty seven percent of students not reading proficiently by the end of the school year did not graduate from high school on time, a rate more than three times greater than that of proficient readers.

**Discuss Career Technical Education Report Card:**
Emily Passias provided an overview of the CTE Report Card.
We currently have four graded measures:
- Technical Skill Attainment
- 4-year and 5-year Graduation Rate
- Placement

Coming in 2016 to the CTE report card:
- Industry Credential Grade
- Component and Overall Grade

**Report Card Communication Plan:**
Chris Woolard led the discussion regarding the report card communication plan:
- Would like to get parents and stakeholders more involved
- Gear it toward multiple audiences because each one has different needs
  - Interactive Report Card site
  - Advanced reports
  - Download Files
- Would like to make it easily accessible to where it’s utilized as a year round source of information
- Working in conjunction with IT to develop a mobile application that is user friendly
- Looking at methods to better integrate with realtors and include links to the report card on their site
- IT has made some technical changes that will make the it readily available through google and yahoo search

---

**BOARD PRESENTATIONS AND DISCUSSION FROM THE LEGISLATIVE AND BUDGET COMMITTEE**
Chair: Kathleen McGervey, Vice Chair: Todd Jones
Ms. McGervey gave a report from the Legislative and Budget Committee meeting focusing on the following issues:

- Jessica Voltolini provided an update on current state legislation.
- Aaron Rausch gave an update on the Biennial Budget.
- Ms. Oakar introduced a resolution supporting the continued funding of InfOhio. The resolution passed unanimously, and will be considered by the full board this afternoon.
President Gunlock called for the approval of the Minutes of the May 2015 meeting. He asked if there were any corrections to the Minutes.

There were no corrections.

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

Motion carried unanimously.

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

President Gunlock reminded Board members Item 2 would be pulled from the Consent Agenda for a separate vote.

President Gunlock presented the following recommendations (Items 1, 3, 4) on the Consent Agenda:

1. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER/DENIAL AND TO ENTER AN ORDER TO DENY PERMANENTLY THE FIVE-YEAR PROFESSIONAL SPECIAL ALL GRADES TEACHING LICENSE, FIVE-YEAR PROFESSIONAL HIGH SCHOOL TEACHING LICENSE, AND FIVE-YEAR PROFESSIONAL EDUCATION OF THE HANDICAPPED TEACHING LICENSE APPLICATIONS OF CYNTHIA P. HANISH

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

WHEREAS Cynthia P. Hanish has applied for a five-year professional special all grades teaching license, five-year professional high school teaching license, and five-year professional education of the handicapped teaching license; and

WHEREAS on May 18, 2015, the Ohio Department of Education received a voluntary surrender/denial form from Cynthia P. Hanish, which authorizes the State Board to enter an order permanently denying her applications for a five-year professional special all grades teaching license, five-year professional high school teaching license, and five-year professional education of the handicapped teaching license based upon Ms. Hanish's 2013 conviction in the Portage County Common Pleas Court for one felony count of aggravated vehicular assault, 2010 conviction in the Northfield Village Mayor's Court for one misdemeanor count of operating a vehicle under the influence of alcohol or drugs (OVI), and 2004 conviction in the Cleveland Municipal Court for one misdemeanor count of OVI; and

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

WHEREAS Cynthia P. Hanish has waived her right to a hearing and authorizes the State Board of Education to enter an order permanently denying her applications for a five-year professional special all grades teaching license, five-year professional high school teaching license, and five-year professional education of the handicapped teaching license: Therefore, Be It
RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and Ohio Revised Code 3319.311(F), hereby DENIES Cynthia P. Hanish's applications for a five-year professional special all grades teaching license, five-year professional high school teaching license, and five-year professional education of the handicapped teaching license based upon Ms. Hanish's 2013 conviction in the Portage County Common Pleas Court for one felony count of aggravated vehicular assault, 2010 conviction in the Northfield Village Mayor's Court for one misdemeanor count of operating a vehicle under the influence of alcohol or drugs (OVI), and 2004 conviction in the Cleveland Municipal Court for one misdemeanor count of OVI. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders Cynthia P. Hanish 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. Hanish of this action.

3. RESOLUTION TO APPROVE THE PLAN OF THE GOVERNING BOARD FOR THE ROSS-PIKE EDUCATIONAL SERVICE DISTRICT TO RESCIND ITS PLAN TO APPOINT MEMBERS TO THE BOARD, PURSUANT TO SECTION 3311.056 OF THE OHIO REVISED CODE

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

WHEREAS in 1999 the Governing Board for the Ross-Pike Educational Service District submitted a plan to appoint two members to the Governing Board from the subdistrict of Ross County; and

WHEREAS the Governing Board for Ross-Pike Educational Service District has now submitted to the State Board of Education a plan to rescind that earlier plan, in accordance with Ohio Revised Code Section 3311.056; and

WHEREAS a copy of the plan submitted by the Governing Board for the Ross-Pike Educational Service District is included in the backup materials to this resolution; and

WHEREAS the Governing Board for the Ross-Pike Educational Service District proposes to eliminate two appointed positions and to increase the number of elected board members from seven to nine; and

WHEREAS the current composition of the Governing Board is four elected members from the subdistrict of Ross County, two appointed members from the subdistrict of Ross County, and three elected members from the subdistrict of Pike County; and

WHEREAS when fully implemented the proposed plan will change the composition of the Governing Board to six elected members from the subdistrict of Ross County and three elected members from the subdistrict of Pike County, thus maintaining the subdistrict representation that exists on the current Governing Board; and
WHEREAS, the Governing Board will continue to have more elected members than appointed members and an odd number of board members as required by Ohio Revised Code section 3311.056(A); and

WHEREAS the plan provides for rescinding the appointed positions at the expiration of the terms of the current appointed members and provides the dates and manner in which the rescission will take place as required by Ohio Revised Code section 3311.056(A); and

WHEREAS the plan was approved by Resolution of the Governing Board for the Ross-Pike Educational Service District adopted at its meeting on April 27, 2015; Therefore, Be It

RESOLVED, That the State Board of Education hereby approves the plan submitted by the Governing Board for the Ross-Pike Educational Service District; and Be It

FURTHER RESOLVED, That in accordance with R.C. 3311.056, the plan of the Governing Board for the Ross-Pike Educational Service shall take effect as provided in the resolution approved by the Governing Board of the Ross-Pike Educational Service District.

4. RESOLUTION OF INTENT TO CONSIDER THE PROPOSED TRANSFER OF SCHOOL DISTRICT TERRITORY FROM THE COLUMBUS CITY SCHOOL DISTRICT, FRANKLIN COUNTY, TO THE WESTERVILLE CITY SCHOOL DISTRICT, FRANKLIN COUNTY, PURSUANT TO SECTION 3311.24 OF THE OHIO REVISED CODE

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

WHEREAS the Columbus City School District has filed a proposal with the State Board of Education for the transfer of school district territory from the Columbus City School District, Franklin County, to the Westerville City School District, Franklin County, in accordance with Ohio Revised Code section 3311.24; and

WHEREAS the proposal filed by the Columbus City School District was initiated at the request of at least 75% of the qualified electors residing within the territory proposed for transfer and identifies the school district territory proposed for transfer as property located in the Columbus City School District; and

WHEREAS in accordance with Ohio Administrative Code section 3301-89-02, the Columbus City School District has responded to the twenty-five questions posed by the State Board of Education, and the responses from the Columbus City School District are attached and incorporated by reference; and

WHEREAS the Westerville City School District has refused to participate in the territory transfer process and Ohio Administrative Code 3301-89-02(E) provides that a transfer be presented to the State Board if a district does not submit responses to the Department within 30 days; Therefore, Be It

RESOLVED, That the State Board of Education does hereby declare its intention to consider the request to transfer certain territory from the Columbus City
School District, Franklin County; and, Be It

FURTHER RESOLVED, That the Superintendent of Public Instruction be, and he hereby is, directed to notify a representative of the resident petitioners and each district of the State Board of Education's intent to consider the request to transfer certain territory and notify them of their opportunity for a hearing; and, Be It

FURTHER RESOLVED, That the Superintendent of Public Instruction be, and he hereby is, directed to appoint a hearing officer, establish the date, time and place, and give notice of such hearing should a hearing be requested.

It was Moved by Mrs. Dodd and Seconded by Ms. Jacobs that the Consent Agenda (Items 1, 3, 4) be approved.

President Gunlock called for a roll call vote.

YES VOTES
Melanie P. Bolender Pat Bruns
Michael Collins Stephanie Dodd
Tess Elshoff Cathye Flory
Sarah Fowler Thomas Gunlock
Robert F. Hagan Ann Jacobs
C. Todd Jones Kathleen McGervey
Mary Rose Oakar Roslyn Painter-Goffi
Ron Rudduck Mark Smith
Rebecca Vazquez-Skillings A.J. Wagner

Motion carried.

President Gunlock presented the following recommendation (Item 2):

2. RESOLUTION OF INTENT TO ADOPT RULES 3301-28-08 THROUGH 3301-28-10 OF THE OHIO ADMINISTRATIVE CODE REGARDING THE CALCULATION OF REPORT CARD COMPONENTS AND OVERALL REPORT CARD GRADES

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

WHEREAS Section 3302.03 of the Revised Code requires the State Board of Education to establish report card grades for components, including the Prepared for Success Component, and an overall grade to be reported beginning in the 2015-2016 school year and every year thereafter; and

WHEREAS the department presented options for calculations of these measures to the Accountability Committee in March, April, and twice in May 2015; and

WHEREAS at its meeting on May 21, 2015, the Accountability Committee reviewed recommendations for the calculation of a Prepared for Success
component, the calculation of six graded components as set forth in Ohio Revised Code section 3302.02, and the calculation of an overall grade for each school district and building; and

WHEREAS at the May 21, 2015 meeting, the Accountability Committee voted to recommend the adoption of proposed Rules 3301-28-08 through 3301-28-10 of the Administrative Code, which detail the calculation of these measures; and

WHEREAS the Prepared for Success Component grading scale will be set before the end of the 2015-2016 school year; and

WHERERAS the component grade calculation and the overall grade calculation for districts and building report cards will be revisited in the 2015-2016 school year: Therefore, Be It

RESOLVED, That the State Board of Education hereby declares its intent to adopt Rules 3301-28-08, -09, and -10 of the Administrative Code, which are attached hereto and incorporated herein by this reference; and, Be It

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

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

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

It was Moved by Mrs. Bolender and Seconded by Mrs. Dodd that the above recommendation (Item 2) be approved.

Ms. Fowler stated the reason for her not supporting this set of rules is that she felt this would incentivize districts to have to double-test students who are choosing one of the other graduation options that are in law.

President Gunlock called for a roll call vote.

YES VOTES
Melanie P. Bolender
Tess Elshoff
Thomas Gunlock
Michael Collins
Cathye Flory
Robert F. Hagan
Minutes of the June 2015 Meeting of the State Board of Education of Ohio

Ann Jacobs
Ron Rudduck
Rebecca Vazquez-Skillings

C. Todd Jones
Mark Smith

NO VOTES
Pat Bruns
Sarah Fowler
Mary Rose Oakar

Stephanie Dodd
Kathleen McGervey
A.J. Wagner

ABSTAIN
Roslyn Painter-Goffi

Motion carried.

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

5. RESOLUTION TO ADMONISH LUCIE E. ALIG (AKA LUCY E. ALIG) WHO HOLDS A FIVE-YEAR SUBSTITUTE TEACHING LICENSE

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

WHEREAS Lucie E. Alig (aka Lucy E. Alig) holds a five-year substitute teaching license issued in 2011; and

WHEREAS on April 3, 2015, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Lucie E. Alig of its intent to determine whether to limit, suspend, revoke, or permanently revoke her five-year substitute teaching license issued in 2011 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Alig’s 2014 conviction in the Kettering Municipal Court for one misdemeanor count of disorderly conduct; and

WHEREAS the notice informed Ms. Alig 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 five-year substitute teaching license issued in 2011; and

WHEREAS Lucie E. Alig did not request a hearing in accordance with Section 119.07 of the Revised Code; and

WHEREAS Lucie E. Alig did submit her contentions in writing; 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 Kettering Municipal Court, and police records from the Montgomery 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; and

WHEREAS the State Board has considered Ms. Alig’s contentions in writing; and

WHEREAS the State Board has considered the factors listed in Rule 3301-73-21 of the Ohio Administrative Code and the Licensure Code of Professional Conduct for Ohio Educators, which contains standards for the teaching profession and provides guidelines for conduct that is unbecoming to the teaching profession:

Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby ADMONISHES Lucie E. Alig based upon her 2014 conviction in the Kettering Municipal Court for one misdemeanor count of disorderly conduct; and, Be It Further

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

It was Moved by Mrs. Dodd and Seconded by Mr. Collins that the above recommendation (Item 5) be approved.

President Gunlock called for a roll call vote.

YES VOTES
Melanie P. Bolender
Michael Collins
Tess Elshoff
Sarah Fowler
Robert F. Hagan
C. Todd Jones
Mary Rose Oakar
Ron Rudduck
Rebecca Vazquez-Skillings
A.J. Wagner
Pat Bruns
Stephanie Dodd
Cathye Flory
Thomas Gunlock
Ann Jacobs
Kathleen McGervey
Roslyn Painter-Goffi
Mark Smith

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 THREE-YEAR PUPIL ACTIVITY PERMIT OF WILLIAM M. CLOUD

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

WHEREAS William M. Cloud held a three-year pupil activity permit issued in 2011; and

16
WHEREAS on July 24, 2014, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified William M. Cloud of its intent to determine whether to limit, suspend, revoke, or permanently revoke his three-year pupil activity permit issued in 2011 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Cloud, while employed as a coach in March 2013, being alone with a student in a locker room, and kissing and inappropriately touching the student in the locker room; and

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

WHEREAS a hearing was held on January 9, 2015; and

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

WHEREAS the hearing officer recommends that Mr. Cloud'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 it being contrary to the welfare of the school community to return to a school environment an individual who could so readily breach the boundary between teacher and student; and

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

WHEREAS the State Board has considered the factors listed in Rule 3301-73-21 of the Ohio Administrative Code and the Licensure Code of Professional Conduct for Ohio Educators, which contains standards for the teaching profession and provides guidelines for conduct that is unbecoming to the teaching profession:

Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** William M. Cloud’s three-year pupil activity permit issued in 2011 based upon Mr. Cloud, while employed as a coach in March 2013, being alone with a student in a locker room where some form of inappropriate activity took place between Mr. Cloud and the student. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders William M. Cloud 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. Cloud of this action.

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

Mrs. Dodd stated she felt conflicted because the facts were just not present in this case and the inconsistencies of the testimony by the student.

Mr. Wagner noted that all the evidence was heresay.

Mrs. Bolender noted that Mr. Cloud voluntarily resigned and did not request a hearing.
Mrs. Dodd Moved to Amend the resolution by substitution. She proposed to amend the resolution from a permanent revocation to an admonishment. Mrs. Flory Seconded the motion. She noted that an admonishment would be reflected in his permanent file.

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

YES VOTES
- Stephanie Dodd
- Robert F. Hagan
- Mary Rose Oakar

Cathye Flory
Ann Jacobs
Roslyn Painter-Goffi

NO VOTES
- Melanie P. Bolender
- Michael Collins
- Sarah Fowler
- Kathleen McGervey
- Mark Smith
- A.J. Wagner

- Pat Bruns
- Tess Elshoff
- C. Todd Jones
- Ron Rudduck
- Rebecca Vazquez-Skillings
- Thomas Gunlock

Motion denied.

Mr. Wagner stated he believed there was not even enough evidence to bring forth an admonishment, he would vote no.

Mr. Gunlock stated he had problems with changing items when individuals do not appear to defend themselves and provide supporting evidence.

Ms. McGervey noted testimony provided by other students.

President Gunlock called for a roll call vote on the original resolution.

YES VOTES
- Melanie P. Bolender
- Tess Elshoff
- Thomas Gunlock
- Kathleen McGervey
- Mark Smith

Michael Collins
Sarah Fowler
C. Todd Jones
Ron Rudduck
Rebecca Vazquez-Skillings

NO VOTES
- Pat Bruns
- Cathye Flory
- Ann Jacobs
- Roslyn Painter-Goffi

- Stephanie Dodd
- Robert F. Hagan
- Mary Rose Oakar
- A.J. Wagner

Motion carried.

Lori Kelly, Director, Office of Professional Conduct, presented the following recommendation (Item 7):
7. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE PERMANENT NON-TAX TEACHING CERTIFICATE OF AVERY M. FAUST

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

WHEREAS Avery M. Faust holds a permanent non-tax teaching certificate issued in 2014; and

WHEREAS on April 17, 2015, the Ohio Department of Education received a voluntary surrender form from Avery M. Faust, which authorizes the State Board to enter an order permanently revoking her permanent non-tax teaching certificate issued in 2014 based upon Ms. Faust posting material not related to education on a website shared with students; and

WHEREAS the form specifies that Avery M. Faust is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

WHEREAS Avery M. Faust has waived her right to a hearing and authorizes the State Board of Education to enter an order permanently revoking her permanent non-tax teaching certificate issued in 2014: 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 Avery M. Faust’s permanent non-tax teaching certificate issued in 2014 based upon Ms. Faust posting material not related to education on a website shared with students. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Avery M. Faust 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. Faust of this action.

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

President Gunlock called for a roll call vote.

YES VOTES
Melanie P. Bolender
Michael Collins
Tess Elshoff
Sarah Fowler
Robert F. Hagan
Kathleen McGeverey
Roslyn Painter-Goffi
Mark Smith
A.J. Wagner
Pat Bruns
Stephanie Dodd
Cathye Flory
Thomas Gunlock
C. Todd Jones
Mary Rose Oakar
Ron Rudduck
Rebecca Vazquez-Skillings

ABSTAIN
Ann Jacobs
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 ADOLESCENCE TO YOUNG ADULT SUBSTITUTE TEACHING LICENSE APPLICATION OF JANE E. KENDALL

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

WHEREAS Jane E. Kendall (aka Cynthia Broas) has applied for a one-year adolescence to young adult substitute teaching license; and

WHEREAS on September 19, 2014, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Jane E. Kendall of its intent to deny or permanently deny her application for a one-year adolescence to young adult substitute teaching license pursuant to Ohio Revised Code 3319.31(B)(1) and [redacted in accordance with Ohio law]. The notice was based upon Ms. Kendall engaging in the following misconduct: on or about October 8, 2002, the Kansas State Board of Education issued a final order denying Ms. Kendall's application for an emergency substitute teacher's certificate in Kansas; Ms. Kendall's [redacted in accordance with Ohio law]; Ms. Kendall's failure to disclose the 2002 denial of her application for an emergency substitute teacher's certificate in Kansas on her pending application to the Ohio Department of Education; and, Ms. Kendall's failure to disclose [redacted in accordance with Ohio law]; and

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

WHEREAS a hearing was held on March 23, 2015; and

WHEREAS Ms. Kendall was not present at the hearing, nor did counsel represent her; and

WHEREAS the hearing officer recommends that Ms. Kendall's application be denied and she be permanently ineligible to apply for any license issued by the State Board of Education. The hearing officer's recommendation is based upon the negative impact Ms. Kendall's licensure would have on the health, safety, and welfare of the school community; and

WHEREAS the State Board has considered the factors listed in Rule 3301-73-21 of the Ohio Administrative Code and the Licensure Code of Professional Conduct for Ohio Educators, which contains standards for the teaching profession and provides guidelines for conduct that is unbecoming to the teaching profession: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and [redacted in accordance with Ohio law], hereby DENIES Jane E. Kendall's application for a one-year adolescence to young adult substitute
teaching license based upon Ms. Kendall engaging in the following misconduct: on
or about October 8, 2002, the Kansas State Board of Education issued a final
order denying Ms. Kendall's application for an emergency substitute teacher's
certificate in Kansas; Ms. Kendall's [redacted in accordance with Ohio law]; Ms.
Kendall's failure to disclose the 2002 denial of her application for an emergency
substitute teacher's certificate in Kansas on her pending application to the Ohio
Department of Education; and, Ms. Kendall's failure to disclose [redacted in accordance with Ohio law]. Further, the State Board, in accordance with Ohio
Administrative Code Rule 3301-73-22(A)(3)(b), orders Jane E. Kendall 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. Kendall of this action.

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

President Gunlock called for a roll call vote.

YES VOTES
   Melanie P. Bolender        Pat Bruns
   Michael Collins           Stephanie Dodd
   Tess Elshoff              Cathye Flory
   Sarah Fowler              Thomas Gunlock
   Robert F. Hagan           Ann Jacobs
   C. Todd Jones             Kathleen McGervey
   Mary Rose Oakar           Roslyn Painter-Goffi
   Ron Rudduck               Mark Smith
   Rebecca Vazquez-Skillings A.J. Wagner

Motion carried.

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

9.  RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF
THE HEARING OFFICER TO REVOKE PERMANENTLY THE FIVE-
YEAR PROFESSIONAL MIDDLE SCHOOL TEACHING LICENSE OF
TRACI L. SCHMIDT

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

   WHEREAS Traci L. Schmidt held a five-year professional middle school teaching license issued in 2008; and

   WHEREAS on November 5, 2013, the State Superintendent of Public Instruction,
on behalf of the State Board of Education, notified Traci L. Schmidt of its intent to
determine whether to limit, suspend, revoke, or permanently revoke her five-year
professional middle school teaching license issued in 2008 pursuant to Ohio
Minutes of the June 2015 Meeting of the State Board of Education of Ohio

Revised Code 3319.31(B)(1). The notice was based upon Ms. Schmidt engaging in the following misconduct: in 2012, Ms. Schmidt attempted to interfere with the prosecution of a man after he was charged with raping her children; Ms. Schmidt failed to cooperate with prosecutors, allowed the man access to her children in violation of a court order, and attempted to undermine her children’s testimony; and, her 2013 conviction in the Cuyahoga County Common Pleas Court for one misdemeanor count of attempted endangering children and one misdemeanor count of attempted obstruction of justice; and

WHEREAS Ms. Schmidt requested a hearing regarding the State Board’s intent; and

WHEREAS a hearing was held on January 8, 2015; and

WHEREAS Ms. Schmidt was not present at the hearing, nor did counsel represent her; and

WHEREAS the hearing officer recommends that Ms. Schmidt’s license be revoked and she be permanently ineligible to apply for any license issued by the State Board of Education. The hearing officer’s recommendation is based upon Ms. Schmidt, demonstrating over an extended period of time, an egregiousness course of conduct, as well as the fact that Ms. Schmidt did not recognize her behavior to be problematic or report what was transpiring to authorities; and

WHEREAS the State Board has considered the factors listed in Rule 3301-73-21 of the Ohio Administrative Code and the Licensure Code of Professional Conduct for Ohio Educators, which contains standards for the teaching profession and provides guidelines for conduct that is unbecoming to the teaching profession: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby REVOKES Traci L. Schmidt’s five-year professional middle school teaching license issued in 2008 based upon Ms. Schmidt engaging in the following misconduct: in 2012, Ms. Schmidt attempted to interfere with the prosecution of a man after he was charged with raping her children; Ms. Schmidt failed to cooperate with prosecutors, allowed the man access to her children in violation of a court order, and attempted to undermine her children’s testimony; and, her 2013 conviction in the Cuyahoga County Common Pleas Court for one misdemeanor count of attempted endangering children and one misdemeanor count of attempted obstruction of justice. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Traci L. Schmidt 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. Schmidt of this action.

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

President Gunlock called for a roll call vote.
YES VOTES

Melanie P. Bolender  Pat Bruns
Michael Collins  Stephanie Dodd
Tess Elshoff  Cathye Flory
Sarah Fowler  Thomas Gunlock
Robert F. Hagan  Ann Jacobs
C. Todd Jones  Kathleen McGervey
Mary Rose Oakar  Roslyn Painter-Goffi
Ron Rudduck  Mark Smith
Rebecca Vazquez-Skillings  A.J. Wagner

Motion carried.

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

10. RESOLUTION TO DENY PERMANENTLY THE THREE-YEAR PUPIL ACTIVITY PERMIT APPLICATION OF TODD A. SMITH

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

WHEREAS Todd A. Smith has applied for a three-year pupil activity permit; and

WHEREAS on April 8, 2015, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Todd A. Smith 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)(a), (B)(2)(c), (B)(2)(d), and (F), and Rule 3301-20-01(E) of the Ohio Administrative Code. The notice was based upon Mr. Smith’s 2014 conviction in the Franklin County Common Pleas Court for one felony count of workers’ compensation fraud, 2012 conviction in the Franklin County Municipal Court for one misdemeanor count of operating a vehicle while intoxicated (OVI), 2004 conviction in the Franklin County Common Pleas Court for one misdemeanor count of attempted possession of cocaine, 1993 conviction in the Franklin County Municipal Court for one misdemeanor count of criminal trespassing, and failure to disclose his pending felony case for workers' compensation fraud and his 1993 conviction on his pending application; 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 deny or permanently deny his application for a three-year pupil activity permit; and

WHEREAS Mr. Smith requested a hearing in this matter, but his hearing request was not made in accordance with Revised Code 119.07; and

WHEREAS the Ohio Department of Education notified Mr. Smith by letter that it would not honor his hearing request because the request was not timely submitted; 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 Franklin County Common Pleas Court and the Franklin County Municipal Court, and Mr. Smith’s pending application; 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 Mr. Smith is not eligible for licensure by the State Board of Education since he cannot meet the rehabilitation criteria established by Rule 3301-20-01 of the Ohio Administrative Code because he has two or more convictions involving felonies, drug and/or theft-related offenses; and

WHEREAS the State Board has considered the factors listed in Rule 3301-73-21 of the Ohio Administrative Code and the Licensure Code of Professional Conduct for Ohio Educators, which contains standards for the teaching profession and provides guidelines for conduct that is unbecoming to the teaching profession: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(a), (B)(2)(c), (B)(2)(d), and (F), and Rule 3301-20-01(E) of the Ohio Administrative Code, hereby DENIES Todd A. Smith’s application for a three-year pupil activity permit based upon Mr. Smith’s 2014 conviction in the Franklin County Common Pleas Court for one felony count of workers’ compensation fraud, 2012 conviction in the Franklin County Municipal Court for one misdemeanor count of operating a vehicle while intoxicated (OVI), 2004 conviction in the Franklin County Common Pleas Court for one misdemeanor count of attempted possession of cocaine, 1993 conviction in the Franklin County Municipal Court for one misdemeanor count of criminal trespassing, and failure to disclose his pending felony case for workers’ compensation fraud and his 1993 conviction on his pending application. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders Todd A. 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 Ms. Jacobs and Seconded by Dr. Smith that the above recommendation (Item 10) be approved.

President Gunlock called for a roll call vote.

YES VOTES
Melanie P. Bolender Pat Bruns
Michael Collins Stephanie Dodd
Tess Elshoff Cathye Flory
Sarah Fowler Thomas Gunlock
Robert F. Hagan Ann Jacobs
C. Todd Jones Kathleen McGervey
Mary Rose Oakar Roslyn Painter-Goffi
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 SUSPEND THE FIVE-YEAR PROFESSIONAL HIGH SCHOOL TEACHING LICENSE OF JOHN R. SUTTON

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

WHEREAS John R. Sutton holds a five-year professional high school teaching license issued in 2012; and

WHEREAS on July 25, 2014, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified John R. Sutton of its intent to determine whether to limit, suspend, revoke, or permanently revoke his five-year professional high school teaching license issued in 2012 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Sutton's 2013 conviction in the Avon Lake Municipal Court for one misdemeanor count of disorderly conduct persistence and one misdemeanor count of attempted violation of a temporary protection order; and

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

WHEREAS a hearing was held on January 27, 2015; and

WHEREAS Mr. Sutton was present at the hearing, and he was represented by counsel; and

WHEREAS the hearing officer recommends that Mr. Sutton's license be suspended for a period of four months and that he shall submit to and pass a fitness to teach evaluation, at his own cost and by an evaluator approved by the Board, prior to his license being reactivated at the end of the four month period. Mr. Sutton must be found fit to teach by the approved evaluator before his license can be reactivated, and in order to maintain his licensure, it is further recommended that Mr. Sutton submit to and pass another fitness to teach evaluation during the 2016-2017 school year. The hearing officer's recommendation is based upon Mr. Sutton's behavior possibly adversely affecting his teaching career at some point in the future; and

WHEREAS Mr. Sutton filed objections to the hearing officer’s report and recommendation; and

WHEREAS the Ohio Department of Education filed a memorandum in opposition to Mr. Sutton’s objections, and Mr. Sutton filed a reply in support of his objections; and
WHEREAS the State Board of Education considered the objections to the hearing officer’s report and recommendation, which Mr. Sutton timely filed, the Ohio Department of Education’s memorandum in opposition, and Mr. Sutton’s reply in support of his objections; and

WHEREAS the State Board has considered the factors listed in Rule 3301-73-21 of the Ohio Administrative Code and the Licensure Code of Professional Conduct for Ohio Educators, which contains standards for the teaching profession and provides guidelines for conduct that is unbecoming to the teaching profession: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby SUSPENDS John R. Sutton’s five-year professional high school teaching license issued in 2012 for a period of four months, from June 9, 2015 through October 9, 2015 provided that prior to the suspension ending that Mr. Sutton, at his own expense, completes a fitness to teach evaluation by a licensed psychiatrist or psychologist, pre-approved by the Ohio Department of Education and provided he completes during the 2016-2017 school year a second fitness to teach evaluation, at his own expense, by a licensed psychiatrist or psychologist, pre-approved by the Ohio Department of Education. The fitness to teach evaluations must indicate that Mr. Sutton is fit to perform the duties of a teacher and he does not pose a risk to the health, safety, or welfare to students or others in the school community. The suspension is based upon Mr. Sutton’s 2013 conviction in the Avon Lake Municipal Court for one misdemeanor count of disorderly conduct persistence and one misdemeanor count of attempted violation of a temporary protection order. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that John R. Sutton be ineligible to apply for any license issued by the State Board of Education until after October 9, 2015; and, Be It Further

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

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

President Gunlock called for a roll call vote.

YES VOTES
Melanie P. Bolender
Michael Collins
Tess Elshoff
Sarah Fowler
Robert F. Hagan
Kathleen McGervey
Roslyn Painter-Goffi
Mark Smith
A.J. Wagner

Pat Bruns
Stephanie Dodd
Cathye Flory
Thomas Gunlock
C. Todd Jones
Mary Rose Oakar
Ron Rudduck
Rebecca Vazquez-Skillings

ABSTAIN
Ann Jacobs
Motion carried.

Mrs. Bolander presented the following recommendation (Item 12):

12. **RESOLUTION TO AMEND RULES 3301-32-01, 3301-32-02, 3301-32-04 TO 3301-32-06, AND 3301-32-08 TO 3301-32-12 OF THE ADMINISTRATIVE CODE REGARDING SCHOOL-AGE CHILD CARE PROGRAMS**

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

WHEREAS the State Board of Education, in consultation with the director of the Department of Job and Family Services, shall adopt rules for school-age child-care programs that are consistent with and meet or exceed the requirements of the rules adopted for school-age child care centers under Chapter 5104. of the Revised Code; and

WHEREAS Rules 3301-32-01, 3301-32-02, 3301-32-04 to 3301-32-06, and 3301-32-08 to 3301-32-12 of the Administrative Code, regarding school-age child care programs, are proposed to be amended pursuant to the requirements of five-year rule review; and

WHEREAS the proposed amendments to the rules make technical changes, clarify existing language, and otherwise align the rules with those of the Department of Job and Family Services; and

WHEREAS the Department of Education subjected the proposed amendments to extensive stakeholder review, including the Common Sense Initiative process; and

WHEREAS the Capacity Committee, during its March 2015 meeting, voted to recommend adoption of the proposed amendments to the State Board of Education; and

WHEREAS the State Board of Education, during its March 2015 business meeting, adopted a Resolution of Intent to amend the rules subject to this resolution; and

WHEREAS on May 11, 2015, the State Board of Education held a public hearing concerning the proposed amending of the rules subject to this resolution; and

WHEREAS on June 1, 2015, the Joint Committee on Agency Rule Review held a hearing on the proposed amending of the rules subject to this resolution during which the committee took no action on the rules. Therefore, Be It

RESOLVED, That the State Board of Education hereby amends Rules 3301-32-01, 3301-32-02, 3301-32-04 to 3301-32-06, and 3301-32-08 to 3301-32-12 of the Administrative Code of the Administrative Code, which are attached hereto and incorporated herein by this reference; and, Be It
FURTHER RESOLVED, That the Superintendent of Public Instruction be, and he hereby is, directed to complete the process of amending 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 that the same be made available on request, without charge, to all persons affected by the rules.

It was Moved by Mrs. Bolender that the above recommendation (Item 12) be approved.

President Gunlock called for a roll call vote.

YES VOTES
Melanie P. Bolender  Pat Bruns
Michael Collins  Stephanie Dodd
Tess Elshoff  Cathye Flory
Sarah Fowler  Thomas Gunlock
Robert F. Hagan  Ann Jacobs
C. Todd Jones  Kathleen McGervey
Mary Rose Oakar  Roslyn Painter-Goffi
Ron Rudduck  Mark Smith
Rebecca Vazquez-Skillings  A.J. Wagner

Motion carried.

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


The Achievement and Graduation Requirements Committee RECOMMENDS that the State Board of Education ADOPT the following Resolution:

WHEREAS Section 3319.46 of the Revised Code provides that the State Board of Education shall establish a policy and standards for the implementation of positive behavior intervention supports and the use of physical restraint or seclusion on students; and

WHEREAS Section 3314.03(A)(11)(d) of the Revised Code provides that community schools must comply with Section 3319.46; and

WHEREAS Section 3326.11 of the Revised Code provides that STEM schools must comply with Section 3319.46; and

WHEREAS Section 3328.24 of the Revised Code provides that a college-preparatory boarding school must comply with Section 3319.46; and

WHEREAS the State Board of Education in 2013 enacted Rule 3301-35-15 of the Administrative Code entitled Standards Concerning The Implementation of
Minutes of the June 2015 Meeting of the State Board of Education of Ohio

Positive Behavior Intervention and Supports and the Use of Restraint and Seclusion; and

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

WHEREAS an amendment of the Rule is necessary to extend its applicability to community schools, STEM schools, and college-preparatory boarding schools in accordance with Am. Sub. H.B. 178 of the 130th General Assembly; and

WHEREAS the Achievement and Graduation Requirements Committee approved the proposed amendment of the rule during its February 2015 meeting; and

WHEREAS the State Board of Education, during its March 2015 business meeting, adopted a Resolution of Intent to amend the rule subject to this resolution; and

WHEREAS on May 11, 2015, the State Board of Education held a public hearing concerning the proposed amending of the rule subject to this resolution; and

WHEREAS on June 1, 2015, the Joint Committee on Agency Rule Review held a hearing on the proposed amending of the rule subject to this resolution during which the committee took no action on the rule: Therefore, Be It

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

FURTHER RESOLVED, That the Superintendent of Public Instruction be, and he hereby is, directed to complete the process of amending the rule by filing with the Secretary of State, Legislative Service Commission, and the Joint Committee on Agency Rule Review, the full text of the rule to be amended 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 13) be approved.

President Gunlock called for a roll call vote.

YES VOTES
Melanie P. Bolender
Michael Collins
Tess Elshoff
Sarah Fowler
Robert F. Hagan
C. Todd Jones
Mary Rose Oakar
Ron Rudduck
Rebecca Vazquez-Skillings
Pat Bruns
Stephanie Dodd
Cathye Flory
Thomas Gunlock
Ann Jacobs
Kathleen McGervey
Roslyn Painter-Goffi
Mark Smith
A.J. Wagner
Dr. Smith presented the following recommendation (Item 14):

14. **RESOLUTION TO ADOPT A HIGH SCHOOL VALUE-ADDED MEASURE**

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

WHEREAS Section 3302.02 of the Revised Code requires the State Board of Education to establish a high school value-added measure as one of the value-added measures for district and applicable building report cards; and

WHEREAS the high school value-added measure will include high school end-of-course exams in English language arts and mathematics; and

WHEREAS the measure will be reported on the district and applicable building report cards without a grade in 2014-2015; and

WHEREAS districts and applicable buildings will receive a grade for the measure beginning in the 2015-2016 and every year thereafter; and

WHEREAS high school value-added will be included in determining the district and school’s overall value-added grade; and

WHEREAS the department met internally to establish the high school value-added measure and presented proposed options to the Accountability Committee in May 2015; and

WHEREAS the Accountability Committee approved the high school value-added measure at its meeting in May 2015; Therefore, Be It

RESOLVED, That the State Board of Education hereby adopts the high school value-added measure.
It was Moved by Dr. Smith that the above recommendation (Item 14) be approved.

Ms. Fowler stated as in Item 2, she feels districts will be further incentivized to ignore the parent and student’s wishes to pursue a different graduation option and may not want to be double-tested.

President Gunlock called for a roll call vote.

YES VOTES

Melanie P. Bolender
Michael Collins
Cathye Flory
Ann Jacobs
Roslyn Painter-Goffi
Mark Smith

Pat Bruns
Tess Elshoff
Thomas Gunlock
C. Todd Jones
Ron Rudduck
Rebecca Vazquez-Skillings
President Gunlock presented the following recommendation (Item 15):

15. **RESOLUTION TO GRANT STUDENT’S RIGHT TO PARTICPATE IN THE COLLEGE CREDIT PLUS PROGRAM PURSUANT TO R.C. 3365.03(A)(1)(A).**

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

WHEREAS Section 3365.03(A)(1)(a) of the Ohio Revised Code sets forth a process for a student to indicate their intent to participate in the College Credit Plus program during the following school year by April 1 of each year; and

WHEREAS Section 3365.03(A)(1)(a) provides that a student who fails to provide the notification by April 1 may not participate without the written consent of his or her principal; and

WHEREAS Section 3365.03(A)(1)(a) provides that if the principal refuses to provide written consent, that the student may appeal that decision to the State Board of Education, which must hear the appeal and make a decision to either grant or deny the student’s participation within 30 days after notification of the appeal; and

WHEREAS a student has appealed from the decision of the principal at Findlay High School, Findlay City School District, to refuse to grant written consent for the student’s participation based upon the student’s failure to notify the school of intent to participate until May 1, 2015; and

WHEREAS the parent has submitted a written statement concerning his appeal, and the school district has submitted a letter concerning its refusal to grant written consent explaining its reasoning, and the Board has reviewed these materials; Therefore Be It

RESOLVED that the State Board of Education hereby grants the student’s participation to participate in the program despite the student’s failure to notify the district of her intention to participate until May 1, 2015, finding that a one month delay should not prevent a student from participating, and that questions concerning a student’s participation based upon failure to comply with the April 1 deadline should be resolved in favor of students; and Be It

FURTHER RESOLVED that the district’s concerns about whether the student meets the requirements of the college in which the student stated she wanted to enroll is not a reason to refuse to accept an untimely notification of intent to participate; although the student will have to comply with the other requirements of the College Credit Plus program in order to participate, including meeting the...
33

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

Mr. Jones stated he would be recusing himself from Item 15 and would be seeking an opinion from the Ethics Commission regarding his status.

Mrs. Dodd stated the Board would be voting on missing a deadline and not whether the student should be allowed to attend a certain college.

Mr. Collins Moved to Substitute the following resolution for the original resolution. Mrs. Dodd Seconded the motion.

Mrs. Bolender stated she would support the substitute resolution. She noted the school provided numerous points of information to the family. She also stated deadlines are put in place for necessary reasons.

Mr. Rudduck stated he would support the substitute resolution. He cited this decision by the school district as a positive example of local control.

Mr. Gunlock stated the law was in place for a reason and he would support the decision of the school district for acting in an appropriate manner.

Ms. McGervey stated she would not support the substitute resolution. She cited a provision in the law for a student who does not meet the deadline.

15. RESOLUTION TO DENY STUDENT'S APPEAL FROM DISTRICT DECISION CONCERNING RIGHT TO PARTICPATE IN THE COLLEGE CREDIT PLUS PROGRAM PURSUANT TO R.C. 3365.03(A)(1)(A).

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

WHEREAS Section 3365.03(A)(1)(a) of the Ohio Revised Code sets forth a process for a student to indicate their intent to participate in the College Credit Plus program during the following school year by April 1 of each year; and

WHEREAS Section 3365.03(A)(1)(a) provides that a student who fails to provide the notification by April 1 may not participate without the written consent of his or her principal; and

WHEREAS Section 3365.03(A)(1)(a) provides that if the principal refuses to provide written consent, the student may appeal that decision to the State Board of Education, which must hear the appeal and make a decision to either grant or deny the student’s participation not later than thirty (30) days after notification of the appeal; and
WHEREAS a student has appealed from the decision of the principal at Findlay High School, Findlay City School District, to refuse to grant written consent for the student’s participation based upon the student’s failure to notify the school of intent to participate until May 1, 2015; and

WHEREAS the parent has submitted a written statement concerning his child’s appeal, and the school district has submitted a letter concerning its refusal to grant written consent explaining its reasoning, and the Board has reviewed these materials; Therefore Be It

RESOLVED that the State Board of Education hereby denies the student’s appeal, finding that the district made reasonable attempts to notify parents in accordance with R.C. 3365.04 and Ohio Adm. Code 3333-1-65.1, and that the district’s decision to refuse to grant written consent to file a late notice of intent to participate was reasonable under all of the circumstances; and Be It

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

President Gunlock called for a roll call vote on the proposed substitute resolution.

YES VOTES
Melanie P. Bolender
Michael Collins
Cathye Flory
Thomas Gunlock
Ann Jacobs
Roslyn Painter-Goffi
A.J. Wagner

Pat Bruns
Stephanie Dodd
Sarah Fowler
Robert F. Hagan
Mary Rose Oakar
Ron Rudduck

NO VOTES
Tess Elshoff

Kathleen McGervey

ABSTAIN
C. Todd Jones
Rebecca Vazquez-Skillings

Mark Smith

Motion carried.

Mrs. Elshoff stated she voted no because she felt every child should have the opportunity.

Ms. Bruns noted the numerous opportunities provided by the district and the policy being published in the student handbook.

President Gunlock called for a roll call vote on the new substitute resolution.

YES VOTES
Melanie P. Bolender
Michael Collins
Cathye Flory

Pat Bruns
Stephanie Dodd
Sarah Fowler


Ms. McGervey presented the following recommendation (Item 16):

The Legislative and Budget Committee asked for Emergency Consideration on Item 16 by Board leadership. Board leadership granted Emergency Consideration.

16. RESOLUTION IN SUPPORT OF RESTORATION OF FUNDING TO INFOhIO

WHEREAS INFOhio is Ohio’s Prek-12 Digital Library and is a shared resource for all PreK-12 schools, public, private, community, online and home schools; and

WHEREAS INFOhio partners with public library and university library partners; and

WHEREAS the Executive Budget recommended funding INFOhio for the biennium at $5 million, an amount that was flat funded from the previous biennium; and

WHEREAS the House Budget proposed to cut nearly $2.2 million from the funding for INFOhio, which is a 42% reduction and which would have significant effects on INFOhio’s ability to provide the level of service expected by Ohio schools and its library partners; and

WHEREAS the State Board of Education supports the valuable services provided by INFOhio to Ohio’s schools, students, and libraries; Therefore Be It

RESOLVED that the State Board of Education hereby supports the restoration of funding to INFOhio to at least the amount recommended in the Executive Budget, and directs the State Superintendent of Public Instruction to share this resolution with legislative leadership.

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

Mrs. Dodd Moved to Amend the resolution by Substitution. She proposed the following changes: 1) In the first WHEREAS clause; change the word “charter” to “community”, 2) In the third WHEREAS clause; change $2.5 million to $5 million, and 3) In the fourth WHEREAS clause; change $1.1 million to $2.2 million. Mr. Wagner Seconded the motion.
President Gunlock called for a roll call vote on the proposed amendment.

YES VOTES
Melanie P. Bolender  Pat Bruns
Stephanie Dodd  Tess Elshoff
Cathye Flory  Sarah Fowler
Thomas Gunlock  Robert F. Hagan
Ann Jacobs  C. Todd Jones
Kathleen McGervey  Mary Rose Oakar
Roslyn Painter-Goffi  Ron Rudduck
Mark Smith  Rebecca Vazquez-Skillings
A.J. Wagner

Motion carried.

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

YES VOTES
Melanie P. Bolender  Pat Bruns
Stephanie Dodd  Tess Elshoff
Cathye Flory  Sarah Fowler
Thomas Gunlock  Robert F. Hagan
Ann Jacobs  C. Todd Jones
Kathleen McGervey  Mary Rose Oakar
Roslyn Painter-Goffi  Ron Rudduck
Mark Smith  Rebecca Vazquez-Skillings
A.J. Wagner

Motion carried.

Non-Resolutions
New Business

Ms. McGervey talked about the distinction between items brought forward for Emergency Consideration. Mrs. Dodd also spoke about this issue.

Mr. Wagner stated he intended to bring forth his recommendations regarding Charter School Accountability next month.

Mrs. Dodd noted the departure of Mr. Benton and Mr. Casey and requested that in the future, Board members be notified directly of changes of Department staff who work so closely with Board members.

Dr. Smith thanked Mr. Collins for chairing the Accountability meeting on Monday.
Mrs. Flory Moved to adjourn the meeting. Ms. Fowler Seconded the motion.

The President requested a voice vote.

Motion carried.

President Gunlock adjourned the meeting at 1:45 p.m. The next regularly scheduled meeting of the State Board of Education is July 13-14, 2015.

ATTEST:

[Signatures]

Tom Gunlock                        Dr. Richard A. Ross
President                          Superintendent of Public Instruction
State Board of Education

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.