The State Board convened on Monday, March 7, at the Ohio Department of Education in Columbus.

**Chapter 119 Hearing**

March 7, 2016
8:00 a.m.

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

The rescission of Rules 3301-12-01 through 3301-12-06 of the Administrative Code, *State superintendent spending orders*; the amendment of Rule 3301-28-06 of the Administrative Code, *Value-added progress dimension*; the rescission of Rules 3301-44-01 through 3301-44-09 of the Administrative Code, *Post-secondary enrollment options*; the rescission of Rule 3301-92-01 of the Administrative Code, *Textbooks and instructional materials*; the amendment of Rule 3301-92-02 of the Administrative Code, *Capital improvement and maintenance fund*; and the adoption of Rule 3301-105-01 of the Administrative Code, *Funding for educational service centers*.

**MEMBERS PRESENT**
Vice President Elshoff stated the Board would proceed with the public hearing on the following rule actions: The rescission of Rules 3301-12-01 through 3301-12-06 of the Administrative Code, State superintendent spending orders; the amendment of Rule 3301-28-06 of the Administrative Code, Value-added progress dimension; the rescission of Rules 3301-44-01 through 3301-44-09 of the Administrative Code, Post-secondary enrollment options; the rescission of Rule 3301-92-01 of the Administrative Code, Textbooks and instructional materials; the amendment of Rule 3301-92-02 of the Administrative Code, Capital improvement and maintenance fund; and the adoption of Rule 3301-105-01 of the Administrative Code, Funding for educational service centers.

The Vice President called on Lisa Critser, from the Office of the Attorney General. Ms. Critser called on Sharon Jennings, Deputy 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 through 7 would be true and accurate copies of the resolutions adopted by the State Board of Education declaring its intent to amend and to rescind and adopt the rules subject to this public hearing;
- Board Exhibit 8 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 February 5, 2016.

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

Vice President Elshoff 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 9.

Vice President Elshoff announced that the Board would now receive testimony on the proposed actions before the Board.
There were no requests.

Vice President Elshoff called on Ms. Critser, who submitted into evidence State Board Exhibits 1 through 8.

The Vice President stated that the exhibits were so received. As there was no more testimony, she declared the public hearing closed at 8:15 a.m.

The Board's Achievement and Capacity Committees met beginning at 8:15 a.m.

Following Achievement and Capacity Committees, The Board's Accountability Committee and Work Group on SBOE’s Professional Development met.

Vice President Elshoff convened the Business meeting of the State Board of Education on Monday, March 7, at 11:45 a.m.

Vice President Elshoff asked the Recording Secretary to call the roll.

MEMBERS PRESENT
Melanie P. Bolender
Michael Collins
Tess Elshoff
Cathye Flory
C. Todd Jones
Mary Rose Oakar
Frank Pettigrew
A.J. Wagner

Pat Bruns
Stephanie Dodd
Joe Farmer
Sarah Fowler
Kathleen McGervey
Roslyn Painter-Goffi
Ron Rudduck

EX OFFICIO MEMBERS
Senator Peggy Lehner
Representative Andrew Brenner

NOTE: Mr. Collins entered the room after roll call.
Minutes of the March 2016 Meeting of the State Board of Education of Ohio

REVIEW OF WRITTEN REPORTS, ITEMS FOR VOTE AND ITEMS FOR CONSIDERATION FOR NEXT MONTH
Ms. Fowler requested that Item 3 be pulled from the Consent Agenda and voted on separately.

Consent Agenda (4); Volume 2

1. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL MIDDLE CHILDHOOD TEACHING LICENSE OF TIMOTHY J. DREHER (VOLUME 2, PAGE 4)

2. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE THREE-YEAR PUPIL ACTIVITY PERMIT OF MARK A. FEBEL (VOLUME 2, PAGE 6)

3. RESOLUTION OF INTENT TO AMEND RULE 3301-28-04 OF THE ADMINISTRATIVE CODE ENTITLED PERFORMANCE INDICATORS (VOLUME 2, PAGE 8)

4. RESOLUTION OF INTENT TO REFER THE DUBLIN CITY SCHOOL DISTRICT'S DETERMINATION OF IMPRACTICAL TRANSPORTATION OF CERTAIN STUDENTS ATTENDING HAUGLAND LEARNING CENTER IN COLUMBUS, FRANKLIN COUNTY, OHIO TO A HEARING OFFICER (VOLUME 2, PAGE 12)

Administrative Rules (4); Volume 3

5. RESOLUTION OF INTENT TO AMEND RULE 3301-24-03, ENTITLED EDUCATOR PREPARATION PROGRAMS LEADING TO OHIO LICENSURE ISSUED BY THE STATE BOARD OF EDUCATION (VOLUME 2, PAGE 37) (CAPACITY COMMITTEE)

6. RESOLUTION TO RESCIND RULE 3301-24-07 ENTITLED PROVISIONAL LICENSE RENEWAL (VOLUME 2, PAGE 42) (CAPACITY COMMITTEE)

7. RESOLUTION TO AMEND RULE 3301-27-01 OF THE ADMINISTRATIVE CODE ENTITLED QUALIFICATIONS TO DIRECT, SUPERVISE OR COACH A PUPIL ACTIVITY PROGRAM (VOLUME 2, PAGE 45) (CAPACITY COMMITTEE)

8. RESOLUTION TO RESCIND RULE 3301-41-01 OF THE ADMINISTRATIVE CODE, STANDARD FOR ISSUING AN OHIO HIGH SCHOOL EQUIVALENCE DIPLOMA, AND TO ADOPT RULE 3301-41-01 OF THE ADMINISTRATIVE CODE, OHIO HIGH SCHOOL EQUIVALENCE DIPLOMA (VOLUME 2, PAGE 52) (ACHIEVEMENT & GRADUATION REQUIREMENTS COMMITTEE)

 Territory Transfers (0); Volume 2

There were no Territory Transfers for adoption in March.

Items 9 through 18 were school personnel resolutions.

Miscellaneous Resolutions (3); Volume 4

19. MOTION REGARDING 2016-2017 STATE BOARD MEETING DATES (VOLUME 4, PAGE 4)

20. RESOLUTION TO ADOPT A FRAMEWORK FOR COMPONENT GRADES FOR THE
CAREER-TECHNICAL EDUCATION REPORT CARD (VOLUME 4, PAGE 5)

21. RESOLUTION TO ADOPT A QUALIFYING SCORE FOR THE REVISED VISUALLY IMPAIRED OHIO ASSESSMENT FOR EDUCATORS (OAE) LICENSURE EXAM (VOLUME 4, PAGE 7)

The State Board recessed for lunch.

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

President Gunlock called on Interim Superintendent Rivera for his report.

Interim Superintendent Rivera and key staff members provided Board members with updates on the following topics:

- Update on Report Card
- Update on Community School Reform
- Update on Every Student Succeeds Act (ESSA)
- Update on EMIS

Following the Interim Superintendent’s report, Ms. Diane Lease, Chief Legal Counsel, provided Board members with financial disclosure training.

President Gunlock called on Vice President Elshoff, who Moved 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  Pat Bruns
Michael Collins   Stephanie Dodd
Tess Elshoff      Joe Farmer
Cathye Flory     Sarah Fowler
NOTE: Mr. Collins, Mr. Farmer, Ms. Jacobs, Mr. Jones and Ms. McGervey entered the room after roll call.

Motion carried.

The Board went into Executive Session at 3:55 p.m.

The Board recessed from Executive Session at 5:00 p.m.

President Gunlock recessed the State Board Business meeting at 5:00 p.m.

President Gunlock recessed the Board meeting at 5:00 p.m.

Following the Board meeting, the Board’s Urban & Renewal Committee met.

President Gunlock reconvened the meeting of the State Board of Education on Tuesday, March 8, at 9:00 a.m.

The Board’s Standards & Graduation Requirements Committee met beginning at 8:30 a.m.

President Gunlock reconvened the Business meeting of the State Board of Education on Tuesday, March 8, at 10:05 a.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  Ann Jacobs
C. Todd Jones  Kathleen McGervey
President Gunlock called for the approval of the Minutes of the February 2016 meeting. He asked if there were any corrections to the Minutes.

There were no corrections.

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

Motion carried unanimously.

BOARD PRESENTATIONS AND DISCUSSION FROM THE STANDARDS AND GRADUATION REQUIREMENTS COMMITTEE
Chair: Todd Jones, Vice Chair: Roslyn Painter-Goffi
Mr. Jones gave a report from the Standards and Graduation Requirements Committee meeting focusing on the following issues:

Proposed Honors Diploma Rules (3301-16-02):
ODE staff provided background information on the proposed new Honors Diplomas and the proposed rules to support the system. Staff highlighted revisions to the rule and the comparison document. Committee feedback was noted for any additional revisions needed for the rule prior to it being posted for public comment and feedback. A timeline for further discussion and public comment was discussed with the rule scheduled to be brought back to the committee in June for further action.

Standards Revision Communications Plan:
ODE staff discussed the communications plan for the review of the English/language arts and mathematics standards. Communication strategies for informing all interested parties of this work includes website, proactive outreach and stakeholder groups. Proactively the department has distributed announcements about the standards revision process to approximately 280,000 through the GovDelivery email system, to approximately 42,500 through EdConnection, the weekly email, and through social media to approximately 17,500. State board members received four tools to use in their communications about the standards revision process – an explanation to guide verbal presentations, two handouts and a short video on a CD and flash drive.

Update on Standards Review:
ODE staff presented updates on the standards review timeline and activities. Staff discussed the status of the standards review survey and provided a summary of the results to present. They also shared information on the status of building the advisory committees and the working groups for each content area including the number of nominees for the working groups.

BOARD PRESENTATIONS AND DISCUSSION FROM THE ACHIEVEMENT COMMITTEE
Chair: Rebecca Vazquez-Skillings, Vice Chair: Todd Jones
Mr. Jones gave a report from the Achievement Committee meeting focusing on the following issues:

Approval of Proposed Rule (3301-16-06) Retaking End-of-course Examinations:
This rule is required by Ohio Revised Code 3301.0728 for retaking end-of-course-exams for students who entered ninth grade for the first time on or after July 1, 2014. The rule affirms the student right to retake any end-of-course test during testing windows set by the Ohio Department of Education. The committee approved the amendment to this rule and it will be presented for full board vote in April.

Proposed Revisions to 3301-51-15 Operating Standards for Identifying and Serving Gifted Students:
Staff provided an overview of funding for gifted education. Twelve funding categories that make up the foundation formula were explained. Only three categories (special education, career technical education and economically disadvantaged) are restricted. Districts report gifted education expenditures, but reporting may not be consistent across districts. Discussion of committee members continues to clarify the current identification and service status for students who are gifted and how it relates to use of funds to support gifted education.

Update on Assessment:
Testing Windows for the Alternate Assessment for Students with Significant Cognitive Disabilities and the Ohio English Language Proficiency Assessment for English Language Learners is now open and testing is proceeding smoothly. The Ohio Graduation Test (OGT) window is from March 14-27 for those students who have the OGT as their graduation requirement. The testing window for Ohio State Tests in English/language arts, mathematics, social studies and science may open on April 4 for those districts selecting to start at the beginning of the window.

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

- The Committee discussed revised rules 3301-103-01 to -07, Autism Scholarship Program, which are due for five-year review. The Committee voted to recommend approval of the revised rules to the Full Board. The Board will be asked to vote on a resolution of intent to adopt the revised rules at its April 2016 meeting.

- The Committee discussed the proposed Standards-Based Framework for the Evaluation of School Counselors. The Framework utilizes the Standards adopted by the State Board in October 2015. The Educator Standards Board recommended that the State Board adopt the proposed framework at its January 2016 meeting. The Capacity Committee voted to
recommend approval of the proposed Framework to the Full Board. The Board will be asked to vote on a resolution to adopt the Framework at its April 2016 meeting.

- The Committee continued discussion related to defining a ‘Consistently High Performing Teacher’. Committee members discussed the possibility of drafting a resolution to request that the legislature revisit the language. The Educators Standard Board continues its discussion of the definition at its March 8, 2016 meeting as well. The Committee plans continued discussion of this topic at its April 2016 meeting. House Bill 64 requires the State Board to define a ‘Consistently High Performing Teacher’ by July 1, 2016.

- Department staff shared with the Committee information related to its plan to propose new licenses for career-technical workforce development teachers. The proposed licenses aim meet the needs, and support the development of, workforce development educators. During 2016, the department will continue to seek feedback from stakeholders as we develop teacher competencies and a process for approving the providers of this pathway.

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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:

- The Committee heard a presentation on work of the Office of Innovation and Improvement. The office works with priority, focus and watch schools. These schools tend to have high poverty, high mobility and low academic performance. The office provides support to these schools through evidence based practices.

- The Committee will visit Switzerland of Ohio on March 21, 2016.

- The Committee discussed future meeting topics to help inform Ohio’s ESSA plan. In April, we will discuss chronic absenteeism. At future meetings we will discuss and have speakers on topics such as 21st Century/Wrap Around, Family Involvement/Engagement Strategies, McKinley-Vento/Homelessness, Students and Foster Care, English Language Learners, Migrant Students and Military Dependents.

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

Educational Service Personnel: Facilitated by Dr. Chris Woolard
Chris provided an update and background information on the Education Service Personnel measure. The accountability committee shall direct the Ohio Department of Education to report this data on the report card as soon as it can be implemented, but no later than the 2015-16 report card. Discussion will continue at the April meeting with regard to implementation of this measure.

**Indicators Targets Update:** Facilitated by Dr. Chris Woolard
Chris provided additional data on the indicator targets that will be implemented on the 2015-16 report card. The percentage of tested students scoring proficient or higher on the end-of-course assessments prescribed by division (B)(2) of section 3301-0712 of the Revised Code is greater than or equal to half of the difference between statewide proficiency percentage for 2014-2015 and the 80 percent for each respective assessment. Mike Collins made a motion to approve the Resolution of Intent for the indicator targets, Roslyn Painter-Goffi seconded the motion, the committee voted in agreement and the motion passed. The resolution will be up for a full board vote on Tuesday.

**Full Board Presentation on Gifted Standards**
Presenters:
Dr. Karen Hall, Director of Student Services, Springfield City School District
Don Horstman, Superintendent, Ottawa-Glandorf Local School District
Carrie Knoch, Director of Student Achievement, Wapakoneta City School District
Dr. Susan Lang, Superintendent, Wyoming City School District
Dale Lewellen, Superintendent, Bath Local School District
Cara Riddel, Superintendent, Westfall Local School District
Doug Ute, Superintendent, Newark City School District
Danielle Probaska, Superintendent, Mechanicsburg Exempted Village Schools

The Board received a presentation regarding Gifted Standards by school officials from a variety of districts in Ohio.

**Presentation on Entrepreneurship in Schools**
Presenter: Mr. Craig Zamary, Kent State University

The Board received a presentation on why entrepreneurship should be taught in 1st Grade.

**Public Participation on Action Items**
There was no Public Participation on Action Items.
PUBLIC PARTICIPATION ON NONACTION ITEMS

1) Miss Sophia Bowe, Canton. Ms. Bowl spoke to the Board regarding gifted standards.
2) Mr. Martin Bowe, Assistant Superintendent, Stark County ESC. Mr. Bowe spoke to the Board regarding gifted standards.
3) Mr. Timothy Souder, Assistant Principal, Bucyrus Elementary School. Mr. Souder spoke to the Board regarding gifted standards.
4) Mr. Bruce Hoover, Superintendent, Groveport Madison Local Schools. Mr. Hoover spoke to the Board regarding gifted standards.
5) Mr. Aric Thomas, Principal, Groveport Madison High School. Mr. Thomas spoke to the Board regarding gifted standards.
6) Mrs. Brandy Grieves, Principal, Groveport Madison Middle School North. Mrs. Grieves spoke to the Board regarding gifted standards.
7) Mr. John Walsh, Treasurer, Groveport Madison Local Schools. Mr. Walsh spoke to the Board regarding gifted standards.
8) Mr. Ayers Ratliff, Board member, Wellington Exempted Village School District. Mr. Ratliff spoke to the Board regarding licensure issues.

This concludes Public Participation on Nonaction Items.

President Gunlock called on Interim Superintendent Rivera for his report and recommendations.

President Gunlock presented the following recommendations (Items 1, 2 and 4) on the Consent Agenda:

1. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL MIDDLE CHILDHOOD TEACHING LICENSE OF TIMOTHY J. DREHER

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

WHEREAS Timothy J. Dreher holds a five-year professional middle childhood teaching license issued in 2014; and

WHEREAS on January 28, 2016, the Ohio Department of Education received a voluntary surrender form from Timothy J. Dreher, which authorizes the State Board to enter an order permanently revoking his five-year professional middle childhood teaching license issued in 2014 based upon Mr. Dreher’s decision not to participate in any further proceedings pursuant to O.R.C. 3319.311; and

WHEREAS the form specifies that Timothy J. Dreher is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

WHEREAS Timothy J. Dreher has waived his right to a hearing and authorizes the State Board of Education to enter an order permanently revoking his five-year professional middle childhood teaching license 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 Timothy J. Dreher's five-year professional middle childhood teaching license issued in 2014 based upon Mr. Dreher's decision not to participate in any further proceedings pursuant to O.R.C. 3319.311. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Timothy J. Dreher be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

2. **RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE THREE-YEAR PUPIL ACTIVITY PERMIT OF MARK A. FEBEL**

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

WHEREAS Mark A. Febel holds a three-year pupil activity permit issued in 2013; and

WHEREAS on January 14, 2016, the Ohio Department of Education received a voluntary surrender form from Mark A. Febel, which authorizes the State Board to enter an order permanently revoking his three-year pupil activity permit issued in 2013 based upon Mr. Febel's decision not to participate in any further proceedings pursuant to O.R.C. 3319.311; and

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

WHEREAS Mark A. Febel has waived his right to a hearing and authorizes the State Board of Education to enter an order permanently revoking his three-year pupil activity permit issued in 2013: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and Ohio Revised Code 3319.311(F), hereby REVOKES Mark A. Febel's three-year pupil activity permit issued in 2013 based upon Mr. Febel's decision not to participate in any further proceedings pursuant to O.R.C. 3319.311. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Mark A. Febel be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

4. **RESOLUTION OF INTENT TO REFER THE DUBLIN CITY SCHOOL DISTRICT'S DETERMINATION OF IMPractical TRANSPORTATION OF CERTAIN STUDENTS ATTENDING HAUGLAND LEARNING**
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 it is 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 Dublin City School District has requested that the State Board of Education refer the school district’s determination that it is impractical to transport certain students to Haugland Learning Center in Columbus, Franklin County, Ohio, to a hearing officer; Therefore, Be It

RESOLVED, That the State Board of Education does hereby declare its intent to consider the request of the Dublin City School District to declare transportation of certain students attending Haugland Learning Center to be impractical, and to notify said district and other affected parties of their opportunity for a hearing, pursuant to Chapter 119. of the Revised Code; and, Be It

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

It was Moved by Mr. Farmer and Seconded by Mrs. Elshoff that the Consent Agenda (Items 1, 2 and 4) be approved.

President Gunlock called for a roll call vote.

YES VOTES
Melanie P. Bolender
Stephanie Dodd
Joe Farmer
Sarah Fowler
C. Todd Jones
Mary Rose Oakar
Frank Pettigrew
A.J. Wagner
Pat Bruns
Tess Elshoff
Cathye Flory
Thomas Gunlock
Kathleen McGervey
Roslyn Painter-Goffi
Ron Rudduck

Motion carried.
President Gunlock presented the following recommendation (Item 3):

3. RESOLUTION OF INTENT TO AMEND RULE 3301-28-04 OF THE ADMINISTRATIVE CODE ENTITLED PERFORMANCE INDICATORS

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 set of performance indicators for school and district report cards based on state assessments; and

WHEREAS Rule 3301-28-04 of the Administrative Code establishes the grades for performance indicators that demonstrate what percentage of students in a school district or building scored at least proficient on state assessments, or achieved a prescribed level of performance for other specified goals; and

WHEREAS the State Board of Education is required to establish proficiency percentages to meet each indicator that is based on a state assessment for the 2015-2016 school year not later than July 1, 2016; and

WHEREAS the State Board of Education is required to establish proficiency percentages to meet each indicator that is based on a state assessment for the 2016-2017 school year and every year after not later than July 1, 2017; and

WHEREAS during its February and March 2016 meetings, the Accountability Committee reviewed the recommendations made by the department and agreed upon a set of percentages; Therefore, Be It

RESOLVED, That the State Board of Education hereby declares its intent to amend Rule 3301-28-04, of the Administrative Code, which is attached hereto and incorporated herein by this reference; and, Be It

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

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<td>Integrated Math II</td>
<td>PARCC</td>
<td>80%</td>
<td>AIR</td>
</tr>
<tr>
<td>Physical Science</td>
<td>AIR</td>
<td>63%</td>
<td>AIR</td>
</tr>
<tr>
<td>Biology</td>
<td>AIR</td>
<td>N/A</td>
<td>AIR</td>
</tr>
<tr>
<td>Grade 10 OGT English</td>
<td>OGT</td>
<td>80%</td>
<td>OGT</td>
</tr>
<tr>
<td>Grade 10 OGT Writing</td>
<td>OGT</td>
<td>80%</td>
<td>OGT</td>
</tr>
<tr>
<td>Grade 10 OGT Math</td>
<td>OGT</td>
<td>80%</td>
<td>OGT</td>
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<tr>
<td>Grade 10 OGT Science</td>
<td>OGT</td>
<td>80%</td>
<td>OGT</td>
</tr>
<tr>
<td>Grade 10 OGT Social Studies</td>
<td>OGT</td>
<td>80%</td>
<td>OGT</td>
</tr>
<tr>
<td>Grade 11 OGT English</td>
<td>OGT</td>
<td>85%</td>
<td>OGT</td>
</tr>
<tr>
<td>Grade 11 OGT Writing</td>
<td>OGT</td>
<td>85%</td>
<td>OGT</td>
</tr>
<tr>
<td>Grade 11 OGT Math</td>
<td>OGT</td>
<td>85%</td>
<td>OGT</td>
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<tr>
<td>Grade 11 OGT Science</td>
<td>OGT</td>
<td>85%</td>
<td>OGT</td>
</tr>
<tr>
<td>Grade 11 OGT Social Studies</td>
<td>OGT</td>
<td>85%</td>
<td>OGT</td>
</tr>
</tbody>
</table>

1 – The 3rd grade ELA target is set half way between the 2015 AIR passing percentage and the final 80% goal.  
2 – Physical science is being phased out, but will remain an indicator for those students retaking the assessment.  
3 – Biology is a new assessment in 2015-16. The physical science indicator was used to set the 2016 biology target.
It was Moved by Mrs. Dodd and Seconded by Mrs. Flory that the above recommendation (Item 3) be approved.

Ms. Fowler stated she could not support the resolution because the process for setting the cut-scores for the state tests is unproven since no rubric was provided for setting the scores.

President Gunlock called for a roll call vote.

**YES VOTES**
- Melanie P. Bolender
- Joe Farmer
- Thomas Gunlock
- Frank Pettigrew
- Tess Elshoff
- Cathye Flory
- C. Todd Jones
- Ron Rudduck

**NO VOTES**
- Pat Bruns
- Sarah Fowler
- Mary Rose Oakar
- A.J. Wagner
- Stephanie Dodd
- Kathleen McGervey
- Roslyn Painter-Goffi

Motion carried.

Dr. Pettigrew presented the following recommendation (Item 5):

5. **RESOLUTION TO AMEND RULE 3301-24-03, ENTITLED EDUCATOR PREPARATION PROGRAMS LEADING TO OHIO LICENSURE ISSUED BY THE STATE BOARD OF EDUCATION**

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

WHEREAS Section 3301.07 of the Revised Code requires the State Board of Education to exercise under the acts of the general assembly general supervision of the system of public education in the state; and

WHEREAS Section 3319.22 of the Revised Code requires the State Board of Education to adopt rules establishing the standards and requirements for educator licenses; and

WHEREAS Section 3319.22 of the Revised Code authorizes the State Board of Education to issue educator licenses of categories, types, and levels the Board elects to provide; and

WHEREAS Section 119.032 of the Revised Code requires the Department of Education to establish a five year cycle for review of agency rules; and

WHEREAS Rule 3301-24-03 of the Administrative Code is due for five year review; and
WHEREAS the five year review process affords the opportunity to edit and update rule language, to make technical, non-substantive changes to the rule and to add any necessary new information, which has been duly accomplished by the proposed amendments; and

WHEREAS the proposed amendments will update the name of the Ohio department of higher education and provide a corrected website address for the Educator Standards Board; and

WHEREAS the Capacity Committee, at its October 2015 meeting, unanimously voted to recommend adoption of the proposed rule changes to the State Board of Education; and

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

WHEREAS on February 8, 2016, the State Board of Education held a public hearing concerning the proposed amending of the rule subject to this resolution; and

WHEREAS during its February 29, 2016 meeting, the Joint Committee on Agency Rule Review took no action on the proposed amending of the rule subject to this resolution: Therefore, Be It

RESOLVED, That the State Board of Education hereby amends Rule 3301-24-03 of the Administrative Code, which is attached hereto and incorporated herein by this reference; and, Be It

FURTHER RESOLVED, That the Interim 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 Dr. Pettigrew that the above recommendation (Item 5) be approved.

President Gunlock called for a roll call vote.

YES VOTES
Melanie P. Bolender
Stephanie Dodd
Joe Farmer
Sarah Fowler
C. Todd Jones
Mary Rose Oakar
Frank Pettigrew
A.J. Wagner
Pat Bruns
Tess Elshoff
Cathye Flory
Thomas Gunlock
Kathleen McGervey
Roslyn Painter-Goffi
Ron Rudduck

Motion carried.
Dr. Pettigrew presented the following recommendation (Item 6):

6. **RESOLUTION TO RESCIND RULE 3301-24-07 ENTITLED PROVISIONAL LICENSE RENEWAL**

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

WHEREAS Section 3301.07 of the Revised Code requires the State Board of Education to exercise under the acts of the general assembly general supervision of the system of public education in the state; and

WHEREAS Section 3319.22 of the Revised Code authorizes the State Board of Education to issue educator licenses of categories, types, and levels the Board elects to provide; and

WHEREAS the proposed rescission of Rule 3301-24-07 of the Administrative Code will make the rules consistent with the practice and requirements of the resident educator program; and

WHEREAS the Capacity Committee, at its October 2015 meeting, unanimously voted to recommend adoption of the proposed rule changes to the State Board of Education; and

WHEREAS the State Board of Education, at its November 2015 business meeting, adopted a Resolution of Intent to rescind the rule subject to this resolution; and

WHEREAS on February 8, 2016, the State Board of Education held a public hearing concerning the proposed rescission of the rule subject to this resolution; and

WHEREAS during its February 29, 2016 meeting, the Joint Committee on Agency Rule Review took no action on the proposed rescission of the rule subject to this resolution: Therefore, Be It

**RESOLVED,** That the State Board of Education hereby rescinds Rule 3301-24-07 of the Administrative Code, which is attached hereto and incorporated herein by this reference; and, Be It

**FURTHER RESOLVED,** That the Interim 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 Dr. Pettigrew that the above recommendation (Item 6) be approved.
President Gunlock called for a roll call vote.

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

Motion carried.

Dr. Pettigrew presented the following recommendation (Item 7):

7. **RESOLUTION TO AMEND RULE 3301-27-01 OF THE ADMINISTRATIVE CODE ENTITLED QUALIFICATIONS TO DIRECT, SUPERVISE OR COACH A PUPIL ACTIVITY PROGRAM**

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

WHEREAS Section 3319.303 of the Revised Code requires the State Board of Education to adopt rules establishing standards and requirements for obtaining a pupil activity permit; and

WHEREAS Section 3319.303 of the Revised Code also requires the State Board of Education to adopt rules setting forth standards to assure the competence of individuals to direct, supervise or coach a pupil activity program; and

WHEREAS Rule 3301-27-01 currently prescribes the necessity as well as the requirements for obtaining and renewing a pupil activity permit, and criteria for hiring authorities to utilize in assuring that an individual is competent to direct, supervise or coach a pupil activity program; and

WHEREAS House Bill 64 of the 131st General Assembly made it a requirement for the department to issue a three-year, four-year, and five year pupil activity permit to qualified applicants. This allows the educator the opportunity to align the pupil activity permit with a valid teaching credential at the time of renewal; and

WHEREAS the proposed rule clarifies that the employing school district must verify that the applicant has completed all required trainings and that the trainings remain valid during the life span of the pupil activity permit; and

WHEREAS the new three-year, four-year and five-year pupil activity permit requirements have been incorporated into the rule as proposed; and
WHEREAS the Capacity Committee, at its November 2015 meeting, unanimously voted to recommend adoption of the proposed rule to the State Board of Education;

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

WHEREAS on February 8, 2016, the State Board of Education held a public hearing concerning the proposed amending of the rule subject to this resolution; and

WHEREAS during its February 29, 2016 meeting, the Joint Committee on Agency Rule Review took no action on the proposed amending of the rule subject to this resolution: Therefore, Be It

RESOLVED, That the State Board of Education hereby amends Rule 3301-27-01 of the Administrative Code, which is attached hereto and incorporated herein by this reference; and, Be It

FURTHER RESOLVED, That the Interim 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 Dr. Pettigrew that the above recommendation (Item 7) be approved.

President Gunlock called for a roll call vote.

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

Motion carried.

Mr. Jones presented the following recommendation (Item 8):

8. RESOLUTION TO RESCIND RULE 3301-41-01 OF THE ADMINISTRATIVE CODE, STANDARD FOR ISSUING AN OHIO HIGH SCHOOL EQUIVALENCE DIPLOMA, AND TO ADOPT RULE 3301-41-01
OF THE ADMINISTRATIVE CODE, OHIO HIGH SCHOOL EQUIVALENCE DIPLOMA

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

WHEREAS Section 3313.617 of the Revised Code, as amended by House Bill 64 of the 131st General Assembly, establishes that an applicant who is at least sixteen years of age but less than eighteen years of age may apply to the Ohio Department of Education to take the tests of general educational development, so long as the applicant has not received a high school diploma or honors diploma; and

WHEREAS Section 3313.617 of the Revised Code requires the State Board of Education to adopt rules regarding the administration of the tests to applicants who are at least sixteen but less than eighteen years of age, including what qualifies as good cause to be permitted to take the tests of general educational development; and

WHEREAS proposed Rule 3301-41-01 of the Administrative Code establishes the eligibility requirements for a student to take the tests of general education development, which an applicant must pass in order to receive an Ohio high school equivalence diploma; and

WHEREAS the proposed rule was discussed by the Achievement and Graduation Requirements Committee during its October 2015 and November 2015 meetings; and

WHEREAS the Achievement and Graduation Requirements Committee, during its November 2015 meeting, voted to recommend the proposed rescission and adoption of the rule to the State Board of Education; and WHEREAS the State Board of Education, at its December 2015 business meeting, adopted a Resolution of Intent to rescind and adopt the rule subject to this resolution; and

WHEREAS on February 8, 2016, the State Board of Education held a public hearing concerning the proposed rescission and adoption of the rule subject to this resolution; and

WHEREAS during its February 29, 2016 meeting, the Joint Committee on Agency Rule Review took no action on the proposed amending of the rule subject to this resolution: Therefore, Be It

RESOLVED, That the State Board of Education hereby rescinds and adopts Rule 3301-41-01 of the Administrative Code, which is attached hereto and incorporated herein by this reference; and, Be It

FURTHER RESOLVED, That the Interim Superintendent of Public Instruction be, and he hereby is, directed to complete the process of rescinding and adopting 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 rescinded and adopted 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 8) be approved.

President Gunlock called for a roll call vote.

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

Motion carried.

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

9. **RESOLUTION TO RESCIND THE STATE BOARD OF EDUCATION’S RESOLUTION, DATED SEPTEMBER 15, 2015, REGARDING JON P. CALLOWAY, AND TO DENY PERMANENTLY THE ONE-YEAR EDUCATIONAL AIDE APPLICATION AND REVOKE PERMANENTLY THE THREE-YEAR PUPIL ACTIVITY PERMIT OF JON P. CALLOWAY**

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

- WHEREAS Jon P. Calloway has applied for a one-year educational aide permit and holds a three-year pupil activity permit issued in 2014; and
- WHEREAS on September 15, 2015, the State Board of Education adopted a resolution permanently denying Jon P. Calloway’s pending application for a one-year educational aide permit and permanently revoking his three-year pupil activity permit issued in 2014. The State Board’s September 15, 2015 resolution was based on a notice, dated June 5, 2015, that was sent to Mr. Calloway by the State Superintendent of Public Instruction, on behalf of the State Board of Education. The notice advised Mr. Calloway that the State Board intended to determine whether to deny or permanently deny his application and to limit, suspend, revoke, or permanently revoke his permit; and
- WHEREAS the Ohio Department of Education, in accordance with R.C. 119.07, mailed said notice with a certificate of mailing via U.S. First Class Mail to Mr. Calloway’s last known address after a prior attempt to serve Mr. Calloway on May 1, 2015 with the notice via certified mail was returned as unclaimed; and
- WHEREAS Mr. Calloway did not request a hearing within 30 days of the June 5, 2015 notice and as of September 15, 2015, the notice had not been returned to the Ohio Department of Education. The State Board proceeded to review the matter...
and issue its September 15, 2015 resolution permanently denying Mr. Calloway's application and permanently revoking his permit; and

WHEREAS after the State Board’s review on September 15, 2015, the June 5, 2015 notice was returned by the U.S. Postal Service to the Ohio Department of Education on September 29, 2015 marked as “unable to forward”; and

WHEREAS on or about October 8, 2015, the State Superintendent, on behalf of the State Board of Education, sent a new notice via certified mail to a new address for Mr. Calloway. The U.S. Postal Service did not deliver the October 8, 2015 notice nor return the notice to the Ohio Department of Education; and

WHEREAS a second notice was sent to Mr. Calloway via certified mail on November 24, 2015. The U.S. Postal Service did not deliver the November 24, 2015 notice nor return the notice to the Ohio Department of Education; and

WHEREAS a third notice, dated December 18, 2015, was sent via certified mail to Mr. Calloway. On January 11, 2016, the Ohio Department of Education received a signed certified mail receipt verifying service of the notice was complete; and

WHEREAS the December 18, 2015 notice advised Mr. Calloway of the State Board's intent to determine whether to deny or permanently deny his application for a one-year educational aide permit and to limit, suspend, revoke, or permanently revoke his three-year pupil activity permit issued in 2014. The notice was based upon Mr. Calloway’s 2011 conviction in the Licking County Municipal Court for one minor misdemeanor count of possession of marijuana, 2014 conviction in the Franklin County Municipal Court for one misdemeanor count of unauthorized use of property, 2014 conviction in the Franklin County Municipal Court, in a separate case, for one misdemeanor count of disorderly conduct, 2014 conviction in the Franklin County Common Pleas Court for one misdemeanor count of theft, failure to disclose his 2014 conviction for one misdemeanor count of unauthorized use of property on his pending application, and failure to disclose his then pending felony criminal charges on his pending application; and

WHEREAS the notice informed Mr. Calloway that if he fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code, the State Board of Education will proceed to determine whether to deny or permanently deny his application for a one-year educational aide permit and to limit, suspend, revoke, or permanently revoke his three-year pupil activity permit issued in 2014; and

WHEREAS Jon P. Calloway 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 dated December 18, 2015, certified court records from the Licking County Municipal Court, Franklin County Municipal Court, and Franklin County Common Pleas Court, and certified police records from the Columbus Police Department; and
WHEREAS Ohio Administrative Code Rule 3301-73-05 authorizes the State Board of Education to impose disciplinary action against any licenses held or applied for without holding an administrative hearing if the applicant and/or license holder fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code; 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 hereby RESCINDS its resolution dated September 15, 2015 that permanently denied Jon P. Calloway’s application for a one-year educational aide permit and permanently revoked Jon P. Calloway’s three-year pupil activity permit issued in 2014; and, Be It Further

RESOLVED, That the State Board of Education, in accordance with its notice letter dated December 18, 2015 and pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(c), hereby DENIES Jon P. Calloway’s application for a one-year educational aide permit and REVO KES Jon P. Calloway’s three-year pupil activity permit issued in 2014 based upon Mr. Calloway’s 2011 conviction in the Licking County Municipal Court for one minor misdemeanor count of possession of marijuana, 2014 conviction in the Franklin County Municipal Court for one misdemeanor count of unauthorized use of property, 2014 conviction in the Franklin County Municipal Court, in a separate case, for one misdemeanor count of disorderly conduct, 2014 conviction in the Franklin County Common Pleas Court for one misdemeanor count of theft, failure to disclose his 2014 conviction for one misdemeanor count of unauthorized use of property on his pending application, and failure to disclose his then pending felony criminal charges on his pending application. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b) and (A)(3)(b), orders Jon P. Calloway be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

It was Moved by Mrs. Bolender and Seconded by Mr. Farmer 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  Joe Farmer
Cathye Flory  Sarah Fowler
Thomas Gunlock  C. Todd Jones
Kathleen McGervey  Mary Rose Oakar
Roslyn Painter-Goffi  Frank Pettigrew
Minutes of the March 2016 Meeting of the State Board of Education of Ohio

Ron Rudduck  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 WILLIAM E. CLEGG

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

WHEREAS William E. Clegg has applied for a three-year pupil activity permit; and

WHEREAS on December 16, 2015, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified William E. Clegg 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), [redacted in accordance with Ohio law], and (F) and Rule 3301-20-01(E) of the Ohio Administrative Code. The notice was based upon Mr. Clegg’s 2004 conviction in the Belmont County Court, Western Division, for one minor misdemeanor count of open container, 2005 conviction in the Belmont County Court, Eastern Division, for one misdemeanor count of operating a vehicle while under the influence (OVI), [redacted in accordance with Ohio law], and 2012 conviction in the Belmont County Court, Northern Division, for one misdemeanor count of menacing; and

WHEREAS the notice informed Mr. Clegg 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 William E. Clegg did not request a hearing in accordance with Section 119.07 of the Revised Code; and

WHEREAS the State Board of Education has reviewed the affidavit of the director of the Office of Professional Conduct, Notice of the State Board of Education’s Intended Action and Opportunity for a Hearing, certified court records from the Belmont County Court, Western Division, Belmont County Court, Eastern Division, and Belmont County Court, Northern Division, and certified police records from the Belmont County Sheriff’s Office and Ohio State Highway Patrol; 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. Clegg is not eligible for licensure by the State Board of Education since he does not meet the rehabilitation criteria established by Rule 3301-20-01 of the Ohio Administrative Code because five years have not elapsed since the date of Mr. Clegg’s 2012 conviction; and

WHEREAS the State Board has considered the factors listed in Rule 3301-73-21 of the Ohio Administrative Code and has considered 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)(b), [redacted in accordance with Ohio law] and (F) and Rule 3301-20-01(E) of the Ohio Administrative Code, hereby DENIES William E. Clegg’s application for a three-year pupil activity permit based upon Mr. Clegg’s 2004 conviction in the Belmont County Court, Western Division, for one minor misdemeanor count of open container, 2005 conviction in the Belmont County Court, Eastern Division, for one misdemeanor count of operating a vehicle while under the influence (OVI), [redacted in accordance with Ohio law], and 2012 conviction in the Belmont County Court, Northern Division, for one misdemeanor count of menacing. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders William E. Clegg be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

It was Moved by Mrs. Bolender and Seconded by Ms. McGervey 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  Joe Farmer
Cathye Flory  Sarah Fowler
Thomas Gunlock  C. Todd Jones
Kathleen McGervey  Mary Rose Oakar
Roslyn Painter-Goffi  Frank Pettigrew
Ron Rudduck  A.J. Wagner

Motion carried.

Lori Kelly, Director, Office of Professional Conduct, presented the following recommendation (Item 11):
11. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE THE FOUR-YEAR RESIDENT EDUCATOR ADOLESCENCE TO YOUNG ADULT TEACHING LICENSE AND DENY THE FOUR-YEAR PUPIL ACTIVITY PERMIT APPLICATION OF BRYAN J. JANIGA

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

WHEREAS Bryan J. Janiga holds a four-year resident educator adolescence to young adult teaching license issued in 2013 and has applied for a four-year pupil activity permit; and

WHEREAS on December 3, 2015, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Bryan J. Janiga of its intent to determine whether to limit, suspend, revoke, or permanently revoke his four-year resident educator adolescence to young adult teaching license issued in 2013 and to deny or permanently deny his application for a four-year pupil activity permit pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Janiga’s 2014 conviction in the Phoenix Municipal Court, Arizona for one misdemeanor count of driving or being in actual physical control with an alcohol concentration of .20 or more within two hours of driving (Extreme DUI) and Mr. Janiga’s 2014 conviction being a violation of the terms and conditions of the consent agreement that he entered into with the State Board of Education in 2013 arising from Mr. Janiga’s 2011 conviction in the Cleveland Municipal Court for one misdemeanor count of disorderly conduct, 2010 conviction in the Barberton Municipal Court for one misdemeanor count of resisting arrest and one misdemeanor count of disorderly conduct and 2009 conviction in the Stow Municipal Court for one misdemeanor count of operating a motor vehicle while intoxicated (OMVI); and

WHEREAS Mr. Janiga requested a hearing regarding the State Board’s intent; and

WHEREAS a hearing was held on December 21, 2015; and

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

WHEREAS the hearing officer recommends that Mr. Janiga’s license be revoked and that his pending application be denied. Further, it is recommended that Mr. Janiga be ineligible to apply for any license issued by the State Board of Education for a period of two years and that prior to reapplication Mr. Janiga be required to complete a fitness to teach evaluation, show proof of sobriety, and show proof of ongoing counseling and treatment for his alcohol abuse, including providing the Department with a release to obtain his treatment records. The hearing officer's recommendation is based upon returning to a classroom an individual, with a track record of alcohol-related offenses who had made no attempt at professional counseling and treatment, being a potential risk to the health and safety of students and being contrary to the 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 has considered the Licensure Code of
RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby REVOKES Bryan J. Janiga’s four-year resident educator adolescence to young adult teaching license issued in 2013 and DENIES Bryan J. Janiga’s application for a four-year pupil activity permit based upon Mr. Janiga’s 2014 conviction in the Phoenix Municipal Court, Arizona for one misdemeanor count of driving or being in actual physical control with an alcohol concentration of .20 or more within two hours of driving (Extreme DUI) and Mr. Janiga’s 2014 conviction being a violation of the terms and conditions of the consent agreement that he entered into with the State Board of Education in 2013 arising from Mr. Janiga’s 2011 conviction in the Cleveland Municipal Court for one misdemeanor count of disorderly conduct, 2010 conviction in the Barberton Municipal Court for one misdemeanor count of resisting arrest and one misdemeanor count of disorderly conduct, and 2009 conviction in the Stow Municipal Court for one misdemeanor count of operating a motor vehicle while intoxicated (OMVI).

Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that Mr. Janiga be ineligible to apply for any license issued by the State Board of Education until on or after March 8, 2018 and that prior to reapplication Mr. Janiga must submit verification to the Ohio Department of Education that he has completed a fitness to teach evaluation performed by a licensed psychiatrist or psychologist, pre-approved by the Department, submit proof of sobriety, and submit proof of ongoing counseling and treatment for his alcohol abuse, including providing the Department with a release to obtain his treatment records; and, Be It Further

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

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

President Gunlock called for a roll call vote.

YES VOTES
Melanie P. Bolender                      Pat Bruns
Michael Collins                         Stephanie Dodd
Tess Elshoff                             Joe Farmer
Cathye Flory                            Sarah Fowler
Thomas Gunlock                          Kathleen McGervey
Mary Rose Oakar                          Roslyn Painter-Goffi
Frank Pettigrew                         Ron Rudduck
A.J. Wagner

ABSTAIN
C. Todd Jones

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

12. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO DENY PERMANENTLY THE FOUR-YEAR ADULT EDUCATION PERMIT APPLICATION OF PRICE J. KRUSE

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

WHEREAS Price J. Kruse has applied for a four-year adult education permit; and

WHEREAS on July 28, 2015, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Price J. Kruse of its intent to deny or permanently deny his application for a four-year adult education permit pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Kruse engaging in the following misconduct: in May 2009, Mr. Kruse was charged in the Fairfield County Municipal Court with one misdemeanor count of aggravated menacing, one misdemeanor count of resisting arrest, one misdemeanor count of obstructing official business, and one misdemeanor count of disorderly conduct, which stemmed from an incident with the Fairfield County Sheriff’s Department when he refused to comply with a police officer’s directive, hit his head on the cruiser window, kicked the door window of the cruiser, and threatened to have the police officer killed, and subsequently Mr. Kruse was found not competent to stand trial in August 2010 and the charges were dismissed after he completed a mental health diversion program; and while working at the Buckeye United School District, at the Circleville Juvenile Correctional Facility in 2005, Mr. Kruse received a three-day working suspension for failing to secure and maintain control of a broken key, giving tools to a youth to remove the broken key from a cabinet, and giving institutional keys to youths to open file cabinets, Mr. Kruse’s manager recommended to the superintendent of the school district in May 2005 that Mr. Kruse not be retained due to concerns that he slept while on duty, left students unsupervised, and left a training session without authorization, and the superintendent determined that Mr. Kruse’s lack of adherence to security policies and procedures posed a threat to the safety and orderly operation of the school; and

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

WHEREAS Mr. Kruse did submit his contentions in writing; and

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

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

WHEREAS the hearing officer recommends that Mr. Kruse’s application be denied 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 the
negative impact Mr. Kruse’s licensure would have on the health, safety, and welfare of the school community; and

WHEREAS the State Board of Education considered Mr. Kruse'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 has considered 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 DENIES Price J. Kruse’s application for a four-year adult education permit based upon Mr. Kruse engaging in the following misconduct: in May 2009, Mr. Kruse was charged in the Fairfield County Municipal Court with one misdemeanor count of aggravated menacing, one misdemeanor count of resisting arrest, one misdemeanor count of obstructing official business, and one misdemeanor count of disorderly conduct, which stemmed from an incident with the Fairfield County Sheriff’s Department when he refused to comply with a police officer’s directive, hit his head on the cruiser window, kicked the door window of the cruiser, and threatened to have the police officer killed, and subsequently Mr. Kruse was found not competent to stand trial in August 2010 and the charges were dismissed after he completed a mental health diversion program; and while working at the Buckeye United School District, at the Circleville Juvenile Correctional Facility in 2005, Mr. Kruse received a three-day working suspension for failing to secure and maintain control of a broken key, giving tools to a youth to remove the broken key from a cabinet, and giving institutional keys to youths to open file cabinets, Mr. Kruse’s manager recommended to the superintendent of the school district in May 2005 that Mr. Kruse not be retained due to concerns that he slept while on duty, left students unsupervised, and left a training session without authorization, and the superintendent determined that Mr. Kruse’s lack of adherence to security policies and procedures posed a threat to the safety and orderly operation of the school. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders Price J. Kruse be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

It was Moved by Mrs. Bolender and Seconded by Mr. Farmer 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 Joe Farmer
Cathye Flory Sarah Fowler
Lori Kelly, Director, Office of Professional Conduct, presented the following recommendation (Item 13):

13. RESOLUTION TO MODIFY THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER, TO DENY THE APPLICATION FOR A FIVE-YEAR PROFESSIONAL INTERVENTION SPECIALIST TEACHING LICENSE, TO REVOKE THE FIVE-YEAR PROFESSIONAL INTERVENTION SPECIALIST TEACHING LICENSE OF MICHELLE L. LANGDON, AND TO DENY MS. LANGDON'S MOTIONS TO DISMISS THE PROCEEDING

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

WHEREAS Michelle L. Langdon applied for a five-year professional intervention specialist teaching license and held a five-year professional intervention specialist teaching license issued in 2009; and

WHEREAS on May 20, 2015, the Interim State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Michelle L. Langdon of its intent to deny or permanently deny her application for a five-year professional intervention specialist teaching license and to limit, suspend, revoke or permanently revoke her five-year professional intervention specialist teaching license issued in 2009 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Langdon engaging in the following misconduct: during the 2012/2013 school year, while employed at Lakota Local School District, Ms. Langdon made unprofessional, inappropriate, and critical comments during school hours about students, staff, and parents and the comments were made to school staff members and students; during a fire drill, on or about October 2013, Ms. Langdon exited the building with a student, displaying a copy of the student’s IEP and complaining loudly about certain details contained in it, and Ms. Langdon’s comments were overheard by the student, other students, school staff, and parents, constituting an inappropriate breach of confidentiality; from 2008 through 2013, Ms. Langdon was inappropriately physical with students, including frightening and upsetting a student when she grabbed the student and tore the student’s hand away from an aide, when she grabbed a student’s wrist very hard and yanked/jerked the student’s hand causing pain, and when she grabbed a student’s wrist/hand very hard and jerked the student over to a chair and once at the chair, Ms. Langdon put her hands on the student’s shoulder and pushed the student down hard into the chair; during Ms. Langdon’s employment at Lakota Local School District, she exhibited a pattern of inappropriate conduct that
created a negative and hostile learning and work environment at the school for
students and staff, including yelling at students, berating, bullying, and making
fun of students, staff members, and parents; from August 2013 through
September 2013, Ms. Langdon did not follow the IEP for a student; and during
the 2012 and 2013 school year, Ms. Langdon referred to a private nurse within
the school as a big, gross, disgusting wildebeest; and

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

WHEREAS a hearing was held on July 20, 21, 22, 23, 27, and 28, 2015 and
September 1, 2015; and

WHEREAS Ms. Langdon was present at the hearing, and she was represented by
counsel; and

WHEREAS the hearing officer recommends that Ms. Langdon’s license be
revoked and that her pending application be denied. Further, it is recommended
that Ms. Langdon be ineligible to apply for any license issued by the State Board
of Education for a period of five years. The hearing officer’s recommendation is
based upon Ms. Langdon’s conduct proven to constitute conduct unbecoming an
educator, but also taking into account Ms. Langdon showing a history and
displaying a strong passion to serve special needs students; and

WHEREAS Ms. Langdon, through a letter, dated January 11, 2016, submitted a
motion to dismiss this proceeding and restore her licenses. Ms. Langdon
submitted another letter, dated January 21, 2016, restating her motion for
dismissal of the charges and restoration of her licenses. Ms. Langdon submitted a
third letter, dated February 4, 2016, restating her motion to dismiss the charges
and restore her licenses; and

WHEREAS the State Board of Education considered Ms. Langdon’s motions to
dismiss as set forth in her letters dated January 11, 2016, January 21, 2016, and
February 4, 2016; and

WHEREAS Ms. Langdon timely filed objections and supplemental objections to
the hearing officer’s report and recommendation; and

WHEREAS the State Board of Education considered the objections and
supplemental objections to the hearing officer’s report and recommendation that
Ms. Langdon timely filed; and

WHEREAS the State Board has considered the factors listed in Rule 3301-73-21
of the Ohio Administrative Code and has considered 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; and

WHEREAS the State Board of Education rejects the following portions of the
hearing officer’s report and recommendation: reject the Recommendation section
of the Summary Fact Sheet; reject the second sentence and part of the third
sentence of the first full paragraph beginning on page 44 to delete the language
that reads, “I have further recommended that Respondent’s Pending Application
be denied for a minimum period of five (5) years. I did consider both aggravating and mitigating factors in the latter decision, and,” and reject, in its entirety, the Recommendation section beginning on page 44 and ending on page 45; and

WHEREAS the State Board of Education adopts the remaining portions of the hearing officer’s report and recommendation; and

WHEREAS the State Board may determine that a penalty outside the range of the disciplinary guidelines listed in the Licensure Code of Professional Conduct for Ohio Educators is more appropriate in an individual case based upon the aggravating and mitigating factors as outlined in Section 3301-73-21(B) of the Ohio Administrative Code and any other factors the State Board considers relevant; and

WHEREAS the State Board finds that the administrative record identifies the following mitigating factors: Ms. Langdon has no prior disciplinary history with the State Board of Education; Ms. Langdon has not been teaching since October 2013; and Ms. Langdon has shown a history and displayed a strong passion to serve special education students; and

WHEREAS the State Board concludes the hearing officer erred when he did not give the preceding mitigating factors the weight they deserved when he made his recommendation; and

WHEREAS the State Board concludes that a revocation of Ms. Langdon’s license and a denial of her pending application are warranted based upon Ms. Langdon’s unbecoming conduct. However, the State Board is not persuaded that a limitation making her ineligible to reapply for a license for five years is warranted in this matter. The State Board concludes that Ms. Langdon should be eligible to reapply for a license on or after July 1, 2018 provided that prior to reapplication she completes a fitness to teach evaluation, at her own expense, by a licensed psychologist or psychiatrist who is pre-approved by the Ohio Department of Education. The fitness to teach evaluation will assure the State Board that Ms. Langdon can perform the duties associated with being a special education teacher while ensuring the health, safety, and welfare of students and others in the school community: Therefore, Be It

RESOLVED, That the State Board of Education rejects the following portions of the hearing officer’s report and recommendation: reject the Recommendation section of the Summary Fact Sheet; reject the second sentence and part of the third sentence of the first full paragraph beginning on page 44 to delete the language that reads, “I have further recommended that Respondent’s Pending Application be denied for a minimum period of five (5) years. I did consider both aggravating and mitigating factors in the latter decision, and,”; and reject, in its entirety, the Recommendation section beginning on page 44 and ending on page 45; and, Be It Further

RESOLVED, That the State Board of Education adopts the remaining portions of the hearing officer’s report and recommendation; and, Be It Further

RESOLVED, That the State Board finds that the administrative record identifies the following mitigating factors: Ms. Langdon has no prior disciplinary history with the State Board of Education; Ms. Langdon has not been teaching since
RESOLVED, That the State Board concludes the hearing officer erred when he did not give the preceding mitigating factors the weight they deserved when he made his recommendation; and, Be It Further

RESOLVED, That the State Board concludes that a revocation of Ms. Langdon’s license and a denial of her pending application are warranted based upon Ms. Langdon’s unbecoming conduct. However, the State Board is not persuaded that a limitation making her ineligible to reapply for a license for five years is warranted in this matter. The State Board concludes that Ms. Langdon should be eligible to reapply for a license on or after July 1, 2018 provided that prior to reapplication she completes a fitness to teach evaluation, at her own expense, by a licensed psychologist or psychiatrist who is pre-approved by the Ohio Department of Education. The fitness to teach evaluation will assure the State Board that Ms. Langdon can perform the duties associated with being a special education teacher while ensuring the health, safety, and welfare of students and others in the school community; and, Be It Further

RESOLVED, That the State Board of Education denies Ms. Langdon’s motions to dismiss; and, Be It Further

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby DENIES Michelle L. Langdon’s application for a five-year professional intervention specialist teaching license and REVOKES Ms. Langdon’s five-year professional intervention specialist teaching license issued in 2009 based upon Ms. Langdon engaging in the following conduct that is unbecoming to the teaching profession and that is fully detailed in the findings of fact and conclusions of law of the hearing officer’s report and recommendation, which are adopted by the State Board: during the 2012/2013 school year, while employed at Lakota Local School District, Ms. Langdon made unprofessional and inappropriate comments during school hours about students, staff, and parents and the comments were made to school staff members and students; during a fire drill, on or about October 2013, Ms. Langdon exited the building with a student, displaying a copy of the student’s IEP and complaining loudly about certain details contained in it, and Ms. Langdon’s comments were overheard by the student, another student, school staff, and a parent, constituting an inappropriate breach of confidentiality; from 2008 through 2013, Ms. Langdon was inappropriately physical with students, including when she grabbed a student and tore the student’s hand away from an aide and when she grabbed a student’s wrist very hard and yanked/jerked the student’s hand; during Ms. Langdon’s employment at Lakota Local School District, she exhibited a pattern of inappropriate conduct that created a negative and hostile learning and work environment at the school for students and staff; and during the 2012 and 2013 school year, Ms. Langdon referred to a private nurse within the school as a big, gross, disgusting wildebeest. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a) and (A)(3)(a), orders that Michelle L. Langdon be ineligible to apply for any license issued by the State Board of Education until on or after July 1, 2018 provided that prior to reapplication she completes a fitness to teach evaluation, at her own expense, by a licensed psychologist or psychiatrist who is pre-approved by the Ohio Department of Education.
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Education, and she completes 8 hours of anger management training; and, Be It
Further

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

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

Ms. McGervey Moved to Amend the resolution by Substitution. She proposed to permanently revoke Ms. Langdon’s teaching license. Mrs. Dodd Seconded the motion. Ms. McGervey said the while there may be issues within the district, Ms. Langdon’s behavior warrants a permanent denial.

Ms. Bruns spoke against the proposed amendment. She stated there was ambiguity in the record and noted Ms. Langdon’s positive record.

Mr. Jones stated he would support the proposed amendment. He noted the pattern of behavior and noted that a collection of positive acts outweigh problematic acts in terms of licensure.

Mrs. Painter-Goffi stated she did not support the proposed amendment. She cited Ms. Langdon’s record and this situation did not warrant a permanent revocation.

President Gunlock called for a roll call vote.

YES VOTES
Stephanie Dodd
Joe Farmer
Thomas Gunlock
Kathleen McGervey
Tess Elshoff
Sarah Fowler
C. Todd Jones

NO VOTES
Melanie P. Bolender
Michael Collins
Mary Rose Oakar
Frank Pettigrew
A.J. Wagner
Pat Bruns
Cathye Flory
Roslyn Painter-Goffi
Ron Rudduck

Motion denied.

Ms. Fowler Moved to Amend the original resolution. She proposed to add Eight hours of anger management training and that Ms. Langdon undergo a fitness to teach evaluation at the conclusion of the recommendation by the Hearing Officer. Mrs. Bolender Seconded the motion.

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

YES VOTES
Melanie P. Bolender
Stephanie Dodd
Joe Farmer
Michael Collins
Tess Elshoff
Cathye Flory
Ms. Bruns Moved to Amend the amendment by Substitution. She proposed that Ms. Langdon be ineligible to apply for any license issued by the State Board of Education until on or after July 1, 2018 provided that prior to reapplication she completes a fitness to teach evaluation, at her own expense, by a licensed psychologist or psychiatrist who is pre-approved by the Ohio Department of Education, and she completes 8 hours of anger management training. Mrs. Painter-Goffi Seconded the motion. Ms. Bruns noted her earlier remarks and stated some remarks may have taken out of context. Mrs. Dodd asked if Ms. Bruns would be willing to add eight hours of anger management. Ms. Bruns accepted the amendment.

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

YES VOTES
Melanie P. Bolender       Pat Bruns
Michael Collins          Stephanie Dodd
Tess Elshoff             Cathye Flory
C. Todd Jones            Mary Rose Oakar
Roslyn Painter-Goffi     Frank Pettigrew
A.J. Wagner

NO VOTES
Joe Farmer               Sarah Fowler
Kathleen McGervey        Ron Rudduck
Thomas Gunlock

Motion carried.

President Gunlock called for a roll call vote on the resolution as amended (presented above).

YES VOTES
Melanie P. Bolender       Pat Bruns
Michael Collins          Stephanie Dodd
Tess Elshoff             Cathye Flory
Sarah Fowler             Thomas Gunlock
C. Todd Jones            Kathleen McGervey
Mary Rose Oakar          Roslyn Painter-Goffi
Frank Pettigrew          Ron Rudduck
A.J. Wagner

NO VOTES
Joe Farmer
Motion carried.

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

14. RESOLUTION TO ACCEPT THE HEARING OFFICER’S RECOMMENDATION TO DENY MS. PAVESICH’S MOTION TO STRIKE, TO MODIFY THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER, AND TO REVOKE PERMANENTLY THE FOUR-YEAR EDUCATIONAL AIDE PERMIT OF WENDY L. PAVESICH

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

WHEREAS Wendy L. Pavesich held a four-year educational aide permit issued in 2011; and

WHEREAS on June 9, 2015, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Wendy L. Pavesich of its intent to determine whether to limit, suspend, revoke, or permanently revoke her four-year educational aide permit issued in 2011 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Pavesich engaging in the following conduct unbecoming to the teaching profession: on or about March 27, 2014, Ms. Pavesich was charged with domestic violence because she repeatedly struck a minor on the minor's buttocks and legs while the minor was restrained in handcuffs and as a result of this incident, on or about June 17, 2014, in the Garfield Heights Municipal Court, Ms. Pavesich was convicted of one misdemeanor count of disorderly conduct; and on or about August 21, 2014, Ms. Pavesich, while employed as an educational aide for the Akron Public School District, was placed on a twenty-day suspension without pay due to Ms. Pavesich inappropriately using sick leave while her court matters were pending and while she was incarcerated; and

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

WHEREAS a hearing was held on July 29, 2015 and August 31, 2015; and

WHEREAS Ms. Pavesich was present at the hearing, and she was represented by counsel; and

WHEREAS the hearing officer recommends that Ms. Pavesich’s permit be revoked and that she be ineligible to apply for any license issued by the State Board of Education for a period of two years. The hearing officer’s recommendation is based upon Ms. Pavesich’s excessive discipline of a minor, which led to her 2014 conviction, exceeding acceptable norms, but also taking into consideration that Ms. Pavesich recognizes and admits her mistakes and has received extensive counseling; and
WHEREAS the Ohio Department of Education timely filed objections to the hearing officer’s report and recommendation; and

WHEREAS Ms. Pavesich filed a motion to strike the Ohio Department of Education’s objections to the hearing officer’s report and recommendation; and

WHEREAS the Ohio Department of Education filed a response opposing Ms. Pavesich’s motion to strike; and

WHEREAS the hearing officer recommends that Ms. Pavesich’s motion to strike be denied; and

WHEREAS the State Board of Education has considered the report and recommendation of the hearing officer, the hearing officer’s recommendation to deny Ms. Pavesich’s motion to strike, the Ohio Department of Education’s objections, Ms. Pavesich’s motion to strike, and the Ohio Department of Education’s response opposing Ms. Pavesich’s motion to strike; and

WHEREAS the State Board has considered the factors listed in Rule 3301-73-21 of the Ohio Administrative Code and has considered 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; and

WHEREAS the State Board may determine that a penalty outside the range of the disciplinary guidelines listed in the Licensure Code of Professional Conduct for Ohio Educators is more appropriate in an individual case based upon aggravating and mitigating factors as outlined in Section 3301-73-21 of the Ohio Administrative Code and any other factors the State Board considers relevant; and

WHEREAS the State Board of Education rejects the following portions of the hearing officer’s report and recommendation: reject the Recommendation section of the Summary Fact Sheet; reject the portion of Conclusions of Law numbered 10 that reads, “Whether employment or licensure will have a negative impact on the local education community or the state-wide community: No”; and reject the Recommendation section of the report; and

WHEREAS the State Board finds that the administrative record identifies the following aggravating factors: the nature and seriousness of Ms. Pavesich’s misconduct includes her being convicted of one count of misdemeanor disorderly conduct based upon her using excessive physical force in disciplining a minor and her receiving a twenty-day suspension from her employer based upon her using sick leave while incarcerated; Ms. Pavesich’s crime and misconduct involves minors; Ms. Pavesich was fifty-two years old at the time of the crime and misconduct and is not a youthful offender who made an immature mistake; Ms. Pavesich failed to immediately disclose her incarceration to her employing school district and instead attempted to use sick leave during the time she was incarcerated; Ms. Pavesich admitted that most of the hitting of the minor was done by her and not the minor’s mother; and Ms. Pavesich’s crime and misconduct reflect negatively on the teaching profession and are not indicative of a positive role model for students and others in the school community; and
WHEREAS the State Board concludes that the hearing officer erred when she did not give the preceding facts and aggravating factors the weight they deserved when she made her recommendation. With regard to mitigating factors, the State Board gives very little weight to Ms. Pavesich's being forthright during her hearings with the school district and the Ohio Department of Education in light of her initial inappropriate attempts to use sick leave during the time she was incarcerated. Further, the State Board is not persuaded by the additional mitigating factors in this case, including Ms. Pavesich's lack of past criminal activity, Ms. Pavesich's work activity before and after her crime and misconduct, Ms. Pavesich's completion of the terms of her probation, Ms. Pavesich's proffered evidence of rehabilitation, and Ms. Pavesich's not having previously been disciplined by the State Board. The seriousness of Ms. Pavesich's crime and misconduct, in conjunction with the aggravating factors, far outweighs the mitigating factors in this case; and

WHEREAS the State Board concludes that allowing Ms. Pavesich to reapply for a license would demean the nature and seriousness of Ms. Pavesich's conduct and would reflect negatively on the teaching profession. The State Board concludes that a permanent revocation of Ms. Pavesich's license is warranted based upon the aggravating factors in this case, including the nature and seriousness of Ms. Pavesich's misconduct, the victim of Ms. Pavesich's crime and misconduct being a minor, Ms. Pavesich's age at the time of her crime and misconduct, Ms. Pavesich's failure to disclose her incarceration to her employing school district, and Ms. Pavesich's failing to serve as a positive role model for students and others in the school community; Therefore, Be It

RESOLVED, That the State Board of Education DENIES Ms. Pavesich's motion to strike the Ohio Department of Education's objections to the hearing officer's report and recommendation; and, Be It Further

RESOLVED, That the State Board of Education rejects the following portions of the hearing officer's report and recommendation: reject the Recommendation section of the Summary Fact Sheet; reject the portion of Conclusions of Law numbered 10 that reads, "Whether employment or licensure will have a negative impact on the local education community or the state-wide community: No"; and reject the Recommendation section of the report; and, Be It Further

RESOLVED, That the State Board finds that the administrative record identifies the following aggravating factors: the nature and seriousness of Ms. Pavesich's misconduct includes her being convicted of one count of misdemeanor disorderly conduct based upon her using excessive physical force in disciplining a minor and her receiving a twenty-day suspension from her employer based upon her using sick leave while incarcerated; Ms. Pavesich's crime and misconduct involves minors; Ms. Pavesich was fifty-one years old at the time of the crime and misconduct and is not a youthful offender who made an immature mistake; Ms. Pavesich failed to immediately disclose her incarceration to her employing school district and instead attempted to use sick leave during the time she was incarcerated; Ms. Pavesich admitted that most of the hitting of the minor was done by her and not the minor's mother; and Ms. Pavesich's crime and misconduct reflect negatively on the teaching profession and are not indicative of a positive role model for students and others in the school community; and, Be It Further
RESOLVED, That the State Board concludes that the hearing officer erred when she did not give the preceding facts and aggravating factors the weight they deserved when she made her recommendation. With regard to mitigating factors, the State Board gives very little weight to Ms. Pavesich’s being forthright during her hearings with the school district and the Ohio Department of Education in light of her initial inappropriate attempts to use sick leave during the time she was incarcerated. Further, the State Board is not persuaded by the additional mitigating factors in this case, including Ms. Pavesich’s lack of past criminal activity, Ms. Pavesich’s work activity before and after her crime and misconduct, Ms. Pavesich’s completion of the terms of her probation, Ms. Pavesich’s proffered evidence of rehabilitation, and Ms. Pavesich’s not having previously been disciplined by the State Board. The serious and aggravating factors in Ms. Pavesich’s crime and misconduct, in conjunction with the aggravating factors, far outweighs the mitigating factors in this case; and Be It Further

RESOLVED, That the State Board concludes that allowing Ms. Pavesich to reapply for a license would demean the nature and seriousness of Ms. Pavesich’s conduct and would reflect negatively on the teaching profession. The State Board concludes that a permanent revocation of Ms. Pavesich’s license is warranted based upon the aggravating factors in this case, including the nature and seriousness of Ms. Pavesich’s misconduct, the victim of Ms. Pavesich’s crime and misconduct being a minor, Ms. Pavesich’s age at the time of her crime and misconduct, Ms. Pavesich’s failure to disclose her incarceration to her employing school district, and Ms. Pavesich’s failing to serve as a positive role model for students and others in the school community; Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby REVOLES Wendy L. Pavesich’s four-year educational aide permit issued in 2011 based upon Ms. Pavesich engaging in the following conduct unbecoming to the teaching profession: on or about March 27, 2014, Ms. Pavesich was charged with domestic violence because she repeatedly struck a minor on the minor’s buttocks and legs while the minor was restrained in handcuffs and as a result of this incident, on or about June 17, 2014, in the Garfield Heights Municipal Court, Ms. Pavesich was convicted of one misdemeanor count of disorderly conduct; and on or about August 21, 2014, Ms. Pavesich, while employed as an educational aide for the Akron Public School District, was placed on a twenty-day suspension without pay due to Ms. Pavesich inappropriately using sick leave while her court matters were pending and while she was incarcerated. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders that Wendy L. Pavesich be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

It was Moved by Ms. Fowler and Seconded by Ms. Flory that the above recommendation (Item 14) be approved.

Mr. Jones Moved to Amend the resolution by substitution. He proposed that Ms. Pavesich be permanently ineligible to apply for any license issued by the State Board of Education. Mrs. Dodd
Seconded the motion. He noted the child being handcuffed and beaten to the point that bruises were visible two weeks after the incident. He also noted Ms. Pasevich lying about the incident and using sick leave to cover-up time spent incarcerated.

Mrs. Painter-Goffi stated she believed this was an isolated incident and did not impact Ms. Pavesich’s ability to be an excellent classroom aide and would not support the amendment.

Ms. Bruns spoke in support of Ms. Pasevich and noted that she was still in the employ of Akron City Schools.

Mr. Gunlock asked Board members to think about the incident that occurred. A child was handcuffed and beaten to the point that bruises were still visible 18 days later. He stated that the child needs to be considered, not the adult.

Mr. Jones stated the choice by the district or that it might be an isolated incident, should not mitigate the action the Board may take.

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

YES VOTES
Melanie P. Bolender
Stephanie Dodd
Joe Farmer
Sarah Fowler
C. Todd Jones
Mary Rose Oakar
Ron Rudduck

Michael Collins
Tess Elshoff
Cathye Flory
Thomas Gunlock
Kathleen McGervey
Frank Pettigrew

NO VOTES
Pat Bruns
A.J. Wagner

Roslyn Painter-Goffi

Motion carried.

President Gunlock called for a roll call vote on the resolution as amended (presented above).

YES VOTES
Melanie P. Bolender
Stephanie Dodd
Joe Farmer
Sarah Fowler
C. Todd Jones
Mary Rose Oakar
Ron Rudduck

Michael Collins
Tess Elshoff
Cathye Flory
Thomas Gunlock
Kathleen McGervey
Frank Pettigrew

NO VOTES
Pat Bruns
A.J. Wagner

Roslyn Painter-Goffi

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

15. RESOLUTION TO REVOKE PERMANENTLY THE ONE-YEAR EDUCATIONAL AIDE PERMIT OF VALERIE L. REED (AKA VALERIE L. SIMS)

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

WHEREAS Valerie L. Reed (aka Valerie L. Sims) held a one-year educational aide permit issued in 2013; and

WHEREAS on December 11, 2015, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Valerie L. Reed of its intent to determine whether to limit, suspend, revoke, or permanently revoke her one-year educational aide permit issued in 2013 pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(c). The notice was based upon Ms. Reed’s 2015 conviction in the Lorain County Common Pleas Court for one misdemeanor count of endangering children with Ms. Reed, as part of her plea agreement, agreeing to complete a sex offender assessment and follow any recommendations, 2015 conviction in the Elyria Municipal Court for one misdemeanor count of theft, and 2015 conviction in the Elyria Municipal Court, in a separate case, for one misdemeanor count of theft; and

WHEREAS the notice informed Ms. Reed 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 one-year educational aide permit issued in 2013; and

WHEREAS Valerie L. Reed did not request a hearing in accordance with Section 119.07 of the Revised Code; and

WHEREAS the State Board of Education has reviewed the affidavit of the director of the Office of Professional Conduct, Notice of the State Board of Education’s Intended Action and Opportunity for a Hearing, certified court records from the Lorain County Common Pleas Court and Elyria Municipal Court, and certified police records from the Lorain Police Department and Elyria Police Department; and

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

WHEREAS the State Board has considered the factors listed in Rule 3301-73-21 of the Ohio Administrative Code and has considered 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 (B)(2)(c), hereby REVOKES Valerie L. Reed’s one-year educational aide permit issued in 2013 based upon Ms. Reed’s 2015 conviction in the Lorain County Common Pleas Court for one misdemeanor count of endangering children with Ms. Reed, as part of her plea agreement, agreeing to complete a sex offender assessment and follow any recommendations, 2015 conviction in the Elyria Municipal Court for one misdemeanor count of theft, and 2015 conviction in the Elyria Municipal Court, in a separate case, for one misdemeanor count of theft. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Valerie L. Reed be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

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

President Gunlock called for a roll call vote.

YES VOTES
Melanie P. Bolender Pat Bruns
Michael Collins Stephanie Dodd
Tess Elshoff Joe Farmer
Cathye Flory Sarah Fowler
Thomas Gunlock C. Todd Jones
Kathleen McGeverey Mary Rose Oakar
Roslyn Painter-Goffi Frank Pettigrew
Ron Rudduck A.J. Wagner

Motion carried.

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

16. RESOLUTION TO MODIFY THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER AND TO REVOKES PERMANENTLY THE FIVE-YEAR PROFESSIONAL CAREER TECHNICAL TEACHING LICENSE OF KAREN L. RHINAMAN

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

WHEREAS Karen L. Rhinaman holds a five-year professional career technical teaching license issued in 2012; and
WHEREAS on June 3, 2015, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Karen L. Rhinaman of its intent to determine whether to limit, suspend, revoke, or permanently revoke her five-year professional career technical teaching license issued in 2012 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Rhinaman engaging in the following misconduct: on or about May 15, 2014, Ms. Rhinaman was disciplined by the State Board of Education when she entered into a consent agreement based on her 2013 conviction in the Jefferson County Court for one misdemeanor count of disorderly conduct and pursuant to the terms of the consent agreement, Ms. Rhinaman agreed to complete administrative reporting and a fitness to teach evaluation with a licensed clinical psychologist and/or psychiatrist; Ms. Rhinaman violated her consent agreement by failing to submit detailed administrative reports, which were due on October 1, 2014 and January 1, 2015; and Ms. Rhinaman violated her consent agreement by failing to complete the evaluation and/or provide a comprehensive written report from a licensed psychologist and/or psychiatrist by August 1, 2014; and

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

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

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

WHEREAS the hearing officer recommends that Ms. Rhinaman’s license be revoked and that she be ineligible to apply for any license issued by the State Board of Education for a period of three years and that prior to reapplication Ms. Rhinaman shall complete a fitness to teach evaluation conducted by a licensed psychologist or psychiatrist and shall submit the evaluation to the Ohio Department of Education. The hearing officer’s recommendation is based upon Ms. Rhinaman voluntarily entering into a consent agreement with the State Board and failing to abide by the terms she agreed to and that a presumption can be made from Ms. Rhinaman’s apparent lack of concern for her teaching license that she does not place a high regard on her ability to hold a license; and

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

WHEREAS the State Board has considered the factors listed in Rule 3301-73-21 of the Ohio Administrative Code and has considered 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; and

WHEREAS the State Board may determine that a penalty outside the range of the disciplinary guidelines listed in the Licensure Code of Professional Conduct for Ohio Educators is more appropriate in an individual case based upon the aggravating and mitigating factors as outlined in Section 3301-73-21 of the Ohio Administrative Code and any other factors the State Board considers relevant; and
WHEREAS the State Board of Education rejects the following portions of the hearing officer’s report and recommendation: reject the Recommendation section of the Summary Fact Sheet, reject the last paragraph of the Rationale section on page 8; and reject, in its entirety, the Recommendation section beginning on page 8 and ending on page 9; and

WHEREAS the State Board finds that the administrative record identifies the following aggravating factors: the nature and seriousness of Ms. Rhinaman’s misconduct includes her entering into a consent agreement with the State Board of Education that required her to submit quarterly reports and the results of a fitness to teach evaluation to the Ohio Department of Education, and Ms. Rhinaman subsequently violated the consent agreement by only submitting two of the five required quarterly reports and failing to submit to a fitness to teach evaluation; the Ohio Department of Education offered Ms. Rhinaman an opportunity, on three occasions, that would allow her more time to complete these requirements, but she failed to respond; and Ms. Rhinaman’s conduct in failing to abide by a consent agreement which she voluntarily entered into, reflects negatively on the teaching profession and is not indicative of a positive role model for students and others in the school community; and

WHEREAS the State Board concludes that the hearing officer erred when she did not give the preceding facts and aggravating factors the weight they deserved when she made her recommendation; and

WHEREAS the State Board concludes that revoking Ms. Rhinaman’s licenses and allowing her to reapply in three years would demean the nature and seriousness of her conduct, reflect negatively on the teaching profession, and undermine the State Board’s expectation that educators must comply with the terms and conditions of its disciplinary orders. The State Board concludes that a permanent revocation of Ms. Rhinaman’s license is warranted based on her unbecoming conduct and the aggravating factors in this case: Therefore, Be it

RESOLVED, That the State Board of Education rejects the following portions of the hearing officer’s report and recommendation: reject the Recommendation section of the Summary Fact Sheet, reject the last paragraph of the Rationale section on page 8; and reject, in its entirety, the Recommendation section beginning on page 8 and ending on page 9; and, Be It Further

RESOLVED, That the State Board finds that the administrative record identifies the following aggravating factors: the nature and seriousness of Ms. Rhinaman’s misconduct includes her entering into a consent agreement with the State Board of Education that required her to submit quarterly reports and the results of a fitness to teach evaluation to the Ohio Department of Education, and Ms. Rhinaman subsequently violated the consent agreement by only submitting two of the five required quarterly reports and failing to submit to a fitness to teach evaluation; the Ohio Department of Education offered Ms. Rhinaman an opportunity, on three occasions, that would allow her more time to complete these requirements, but she failed to respond; and Ms. Rhinaman’s conduct in failing to abide by a consent agreement which she voluntarily entered into, reflects negatively on the teaching profession and is not indicative of a positive role model for students and others in the school community; and, Be It Further
RESOLVED, That the State Board concludes that the hearing officer erred when she did not give the preceding facts and aggravating factors the weight they deserved when she made her recommendation; and, Be It Further

RESOLVED, That the State Board concludes that revoking Ms. Rhinaman’s licenses and allowing her to reapply in three years would demean the nature and seriousness of her conduct, reflect negatively on the teaching profession, and undermine the State Board’s expectation that educators must comply with the terms and conditions of its disciplinary orders. The State Board concludes that a permanent revocation of Ms. Rhinaman’s license is warranted based on her unbecoming conduct and the aggravating factors in this case; and, Be It Further

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby REVOKES Karen L. Rhinaman’s five-year professional career technical teaching license issued in 2012 based upon Ms. Rhinaman engaging in the following misconduct: on or about May 15, 2014, Ms. Rhinaman was disciplined by the State Board of Education when she entered into a consent agreement based on her 2013 conviction in the Jefferson County Court for one misdemeanor count of disorderly conduct and pursuant to the terms of the consent agreement, Ms. Rhinaman agreed to complete administrative reporting and a fitness to teach evaluation with a licensed clinical psychologist and/or psychiatrist; Ms. Rhinaman violated her consent agreement by failing to submit detailed administrative reports, which were due on October 1, 2014 and January 1, 2015; and Ms. Rhinaman violated her consent agreement by failing to complete the evaluation and/or provide a comprehensive written report from a licensed psychologist and/or psychiatrist by August 1, 2014. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders that Karen L. Rhinaman be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

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

Ms. Elshoff Moved to Amend the resolution by substitution. She proposed that Ms. Rhinaman be permanently ineligible to apply for any license issued by the State Board of Education. Mr. Farmer Seconded the motion. Ms. Elshoff spoke to Ms. Rhinaman not completing the consent agreement.

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

YES VOTES
Melanie P. Bolender
Tess Elshoff
Cathye Flory
Thomas Gunlock
Frank Pettigrew

Stephanie Dodd
Joe Farmer
Sarah Fowler
C. Todd Jones
Ron Rudduck

NO VOTES
Lori Kelly, Director, Office of Professional Conduct, presented the following recommendation (Item 17):

17. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO DENY THE ONE-YEAR EDUCATIONAL AIDE STUDENT MONITOR PERMIT APPLICATION OF MAURICE N. RIEP

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

WHEREAS Maurice N. Riep has applied for a one-year educational aide student monitor permit; and

WHEREAS on June 12, 2015, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Maurice N. Riep of its intent to deny or permanently deny his application for a one-year educational aide student monitor permit pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(a), and (F) and Rule 3301-20-01(E) of the Ohio Administrative Code. The notice was based upon Mr. Riep’s 2004 conviction in the Butler County Court of Common Pleas for one felony count of nonsupport of dependents, 2006 conviction in the Hamilton County Municipal Court for one minor misdemeanor count of disorderly conduct, 2012 conviction in the Butler County Court of Common Pleas for one felony count of nonsupport of dependents, 2012 conviction in the Hamilton County Municipal Court for one misdemeanor count of unlawful operation of a dance hall, and failure to disclose his 2004 felony conviction and 2012 misdemeanor conviction on his pending application; and
WHEREAS Mr. Riep requested a hearing regarding the State Board's intent; and

WHEREAS a hearing was held on December 1, 2015; and

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

WHEREAS the hearing officer recommends that Mr. Riep’s application be denied and that he be ineligible to apply for any license issued by the State Board of Education until five years after his probation is complete and he presents certain specified mitigating evidence that he can meet the rehabilitation criteria in Rule 3301-20-01(E) of the Ohio Administrative Code. The hearing officer’s recommendation is based upon Mr. Riep not being able to meet the rehabilitation criteria established by Rule 3301-20-01(E) of the Ohio Administrative Code because he has two convictions for felony offenses and because five years have not elapsed since the anticipated completion date of Mr. Riep’s probation; and

WHEREAS Mr. Riep is not eligible for licensure by the State Board of Education since he does not meet the rehabilitation criteria established by Rule 3301-20-01 of the Ohio Administrative Code because five years have not elapsed since he has been fully discharged from imprisonment, probation, or parole and because he has two convictions for felony offenses; and

WHEREAS the State Board has considered the factors listed in Rule 3301-73-21 of the Ohio Administrative Code and has considered 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), and (F) and Rule 3301-20-01(E) of the Ohio Administrative Code, hereby DENIES Maurice N. Riep’s application for a one-year educational aide student monitor permit based upon Mr. Riep’s 2004 conviction in the Butler County Court of Common Pleas for one felony count of nonsupport of dependents, 2006 conviction in the Hamilton County Municipal Court for one minor misdemeanor count of disorderly conduct, 2012 conviction in the Butler County Court of Common Pleas for one felony count of nonsupport of dependents, 2012 conviction in the Hamilton County Municipal Court for one misdemeanor count of unlawful operation of a dance hall, and failure to disclose his 2004 felony conviction and 2012 misdemeanor conviction on his pending application. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(a), orders that Mr. Riep be ineligible to apply for any license issued by the State Board of Education until five years after the date he is fully discharged from imprisonment, probation, or parole in his 2012 felony conviction case and provided he can demonstrate that he meets the rehabilitation criteria established by Rule 3301-20-01(E) of the Ohio Administrative Code; and, Be It Further

RESOLVED, That the Interim State Superintendent of Public Instruction be, and he hereby is, directed to notify Mr. Riep of this action.
It was Moved by Mrs. Dodd and Seconded by Ms. Fowler that the above recommendation (Item 17) be approved.

President Gunlock called for a roll call vote.

YES VOTES
Melanie P. Bolender
Michael Collins
Tess Elshoff
Cathye Flory
Thomas Gunlock
Kathleen McGervey
Roslyn Painter-Goffi
Ron Ruuduck
Pat Bruns
Stephanie Dodd
Joe Farmer
Sarah Fowler
C. Todd Jones
Mary Rose Oakar
Frank Pettigrew
A.J. Wagner

Motion carried.

Lori Kelly, Director, Office of Professional Conduct, presented the following recommendation (Item 18):

18. RESOLUTION TO ACCEPT THE REPORT, TO MODIFY THE RECOMMENDATION OF THE HEARING OFFICER, AND TO DENY PERMANENTLY THE ONE-YEAR SUBSTITUTE TEACHING LICENSE APPLICATION OF DWYANE B. WOODS

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

WHEREAS Dwyane B. Woods has applied for a one-year substitute teaching license; and

WHEREAS on July 2, 2015, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Dwyane B. Woods of its intent to deny or permanently deny his application for a one-year substitute teaching license pursuant to Ohio Revised Code 3319.31(B)(1) and (F). The notice was based upon Mr. Woods engaging in the following conduct unbecoming to the teaching profession: Mr. Woods’ teaching certificate(s) in West Virginia were revoked permanently on or about August 12, 2002 by the West Virginia Department of Education due to immorality and a moral and mental defect which rendered Mr. Woods unfit as a teacher; and Mr. Woods failed to accurately disclose the basis for the permanent revocation of his teaching certificate(s) on his pending application to the Ohio Department of Education; and

WHEREAS Mr. Woods requested a hearing regarding the State Board’s intent; and

WHEREAS a hearing was held on November 24, 2015; and

WHEREAS Mr. Woods was present at the hearing, but he was not represented by counsel; and
WHEREAS the hearing officer recommends that Mr. Woods’ application be denied and that he be ineligible to apply for any license issued by the State Board of Education for a period of three years. The hearing officer’s recommendation is based upon the West Virginia Board of Education revoking Mr. Woods’ teaching license and his failure to disclose this fact to the Ohio Department of Education; and

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

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

WHEREAS the State Board has considered the factors listed in Rule 3301-73-21 of the Ohio Administrative Code and has considered 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; and

WHEREAS the State Board of Education rejects the following portions of the hearing officer’s report and recommendation: reject the Recommendation section of the Summary Fact Sheet; in the section of the report on page 10 and 11 that comments on the evidence, reject all the language in that section after the sentence that reads, “It is not the role of the Ohio Board of Education to relitigate a matter that was before another professional board.”; and reject the Recommendation section of the Report and Recommendation; and

WHEREAS the State Board of Education modifies finding of fact numbered 6 in the hearing officer’s report and recommendation by adding after the last sentence of the finding the following language:

“The parties agreed, prior to the May 22, 2002 hearing, that the review of the matter would be on the record previously produced in the proceedings, including, among others, the transcript of the 1991 Kanawha County Disciplinary Hearing, the transcript of the November and December 1991 Grievance Board hearing, a deposition of Nyana Creling Crowley, Ph.D, conducted in connection with the Grievance Board hearing; the Level IV Grievance Decision of 1992; the Kanawha County Circuit Court Order of January 1995, the West Virginia Supreme Court Order of August 1995, and a transcript of the February 2001 Professional Practices Panel Hearing. Additional records produced by Mr. Woods at the hearing were also received and reviewed.”; and

WHEREAS the State Board of Education modifies finding of fact numbered 8 in the hearing officer’s report and recommendation by adding after the last sentence of the finding the following language:

“The Kanawha County Hearing Examiner, the Administrative Law Judge of the Education and State Employees Grievance Board, and the Kanawha County Circuit Court Judge all found by a preponderance of the evidence, that a note was passed from Dwayne Woods to a student asking for a sexual favor in exchange for money.”; and
WHEREAS the State Board finds that the administrative record identifies the following aggravating factors: the nature and seriousness of Mr. Woods’ conduct includes another professional licensing board revoking Mr. Woods’ teaching license based on immorality and a moral and mental defect which rendered him unfit as a teacher; the lack of evidence in the administrative record showing any rehabilitation efforts by Mr. Woods; the lack of evidence in the administrative record regarding whether Mr. Woods is amenable to rehabilitation; Mr. Woods’ failing to disclose on his pending application to the Ohio Department of Education that his license in West Virginia had been revoked; and Mr. Wood testifying that he received the West Virginia order revoking his license, but he did not recognize the decision; and

WHEREAS the State Board concludes that the hearing officer erred when she commented on the curious nature of the proceedings in West Virginia after stating that it is not the role of the Ohio Department of Education to re-litigate a matter that was before another professional board; and

WHEREAS the State Board concludes that allowing Mr. Woods to reapply for a license would demean the nature and seriousness of his conduct and would reflect negatively on the teaching profession. The State Board concludes that a permanent denial of Mr. Woods’ license is warranted based upon the revocation of his license in West Virginia, his failure to disclose the revocation on his pending application, and the aggravating factors in this case; Therefore, Be It

RESOLVED, That the State Board of Education rejects the following portions of the hearing officer’s report and recommendation: reject the Recommendation section of the Summary Fact Sheet; in the section of the report on page 10 and 11 that comments on the evidence, reject all the language in that section after the sentence that reads, “It is not the role of the Ohio Board of Education to re-litigate a matter that was before another professional board.”; and reject the Recommendation section of the Report and Recommendation; and, Be It Further

RESOLVED, That the State Board of Education modifies finding of fact numbered 6 in the hearing officer’s report and recommendation by adding after the last sentence of the finding the following language:

“The parties agreed, prior to the May 22, 2002 hearing, that the review of the matter would be on the record previously produced in the proceedings, including, among others, the transcript of the 1991 Kanawha County Disciplinary Hearing, the transcript of the November and December 1991 Grievance Board hearing, a deposition of Nyana Creling Crowley, Ph.D, conducted in connection with the Grievance Board hearing; the Level IV Grievance Decision of 1992; the Kanawha County Circuit Court Order of January 1995, the West Virginia Supreme Court Order of August 1995, and a transcript of the February 2001 Professional Practices Panel Hearing. Additional records produced by Mr. Woods at the hearing were also received and reviewed.”; and, Be It Further

RESOLVED, That the State Board of Education modifies finding of fact numbered 8 in the hearing officer’s report and recommendation by adding after the last sentence of the finding the following language:

“The Kanawha County Hearing Examiner, the Administrative Law Judge of the Education and State Employees Grievance Board, and the Kanawha County
Circuit Court Judge all found by a preponderance of the evidence, that a note was passed from Dwayne Woods to a student asking for a sexual favor in exchange for money."; and, Be It Further

RESOLVED, That the State Board finds that the administrative record identifies the following aggravating factors: the nature and seriousness of Mr. Woods’ conduct includes another professional licensing board revoking Mr. Woods’ teaching license based on immorality and a moral and mental defect which rendered him unfit as a teacher; the lack of evidence in the administrative record showing any rehabilitation efforts by Mr. Woods; the lack of evidence in the administrative record regarding whether Mr. Woods is amenable to rehabilitation; Mr. Woods’ failing to disclose on his pending application to the Ohio Department of Education that his license in West Virginia had been revoked; and Mr. Wood testifying that he received the West Virginia order revoking his license, but he did not recognize the decision; and, Be It Further

RESOLVED, That the State Board concludes that the hearing officer erred when she commented on the curious nature of the proceedings in West Virginia after stating that it is not the role of the Ohio Department of Education to re-litigate a matter that was before another professional board; and, Be It Further

RESOLVED, That the State Board concludes that allowing Mr. Woods to reapply for a license would demean the nature and seriousness of his conduct and would reflect negatively on the teaching profession. The State Board concludes that a permanent denial of Mr. Woods’ license is warranted based upon the revocation of his license in West Virginia, his failure to disclose the revocation on his pending application, and the aggravating factors in this case; and, Be It Further

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and (F), hereby **DENIES** Dwayne B. Woods’ application for a one-year substitute teaching license based upon Mr. Woods engaging in the following conduct unbecoming to the teaching profession: Mr. Woods’ teaching certificate(s) in West Virginia were revoked permanently on or about August 12, 2002 by the West Virginia Department of Education due to immorality and a moral and mental defect which rendered Mr. Woods unfit as a teacher; and Mr. Woods failed to accurately disclose the basis for the permanent revocation of his teaching certificate(s) on his pending application to the Ohio Department of Education. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders that Mr. Woods be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

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

Ms. McGervey Moved to Amend the resolution by Substitution. She proposed that Mr. Woods be permanently ineligible to apply for any license issued by the State Board of Education. Ms. Fowler
Seconded the motion. Ms. McGervey noted the document that showed Mr. Woods asking for a sexual favor from a student.

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

YES VOTES
Melanie P. Bolender               Pat Bruns
Michael Collins                 Stephanie Dodd
Tess Elshoff                     Joe Farmer
Sarah Fowler                    Thomas Gunlock
C. Todd Jones                   Kathleen McGervey
Mary Rose Oakar                 Frank Pettigrew
Ron Rudduck                     A.J. Wagner

NO VOTES
Cathye Flory                    Roslyn Painter-Goffi

Motion carried.

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

YES VOTES
Melanie P. Bolender               Pat Bruns
Michael Collins                 Stephanie Dodd
Tess Elshoff                     Joe Farmer
Cathye Flory                   Sarah Fowler
Thomas Gunlock                  C. Todd Jones
Kathleen McGervey              Mary Rose Oakar
Frank Pettigrew                Ron Rudduck
A.J. Wagner

NO VOTES
Roslyn Painter-Goffi

Motion carried.

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

19.  MOTION REGARDING 2016-2017 STATE BOARD MEETING DATES

I MOVE that the State Board of Education ADOPT the following State Board meeting calendar for August 2016 through July 2017.

2016-2017 STATE BOARD OF EDUCATION MEETING DATES
August - No Meeting

September 12-13, 2016 (Monday/Tuesday)  
(Four full weeks until next meeting)

October 17-18, 2016 (Monday/Tuesday)  
(Avoids State Holiday, Monday-10/10)  
(Three full weeks until next meeting)

November 14-15, 2016 (Monday/Tuesday)  
(Three full weeks until next meeting)

December 12-13, 2016 (Monday/Tuesday)  
(Three full weeks until next meeting)

January 9-10, 2017 (Monday/Tuesday)  
(Four full weeks until next meeting)

February 13-14, 2017 (Monday/Tuesday)  
(Three full weeks until next meeting)

March 13-14, 2017 (Monday/Tuesday)  
(Three full weeks until next meeting)

April 10-11, 2017 (Monday/Tuesday)  
(Three full weeks until next meeting)

May 8-9, 2017 (Monday/Tuesday)  
(Four full weeks until next meeting)

June 12-13, 2017 (Monday/Tuesday)  
(Three full weeks until next meeting)

July 10-11, 2017 (Monday/Tuesday)

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

President Gunlock called for a roll call vote.

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

Motion carried.
Mrs. Bolender presented the following recommendation (Item 20):

20. **RESOLUTION TO ADOPT A FRAMEWORK FOR COMPONENT GRADES FOR THE CAREER-TECHNICAL EDUCATION REPORT CARD**

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

WHEREAS Section 3302.033 of the Ohio Revised Code established the career-technical education report card; and

WHEREAS Section 3302.033 of the Ohio Revised Code requires that the State Board of Education approve the career-technical education report card; and

WHEREAS the State Board of Education previously approved the current career-technical education report card; and

WHEREAS the State Board of Education strives to align the career-technical education report card to the school and district report card whenever possible; and

WHEREAS other aspects of the career technical education report card mirror component grades and performance indicators included on the school and district report card; and

WHEREAS the component grades and performance indicators on the school and district report card have changed due to updates to Ohio’s assessment system; and

WHEREAS the Accountability Committee was presented with information on the career technical education report card at its February 2016 meeting, and approved certain changes to the career technical education report card; Therefore, Be It

RESOLVED, That the career-technical education report card will use the Prepared for Success framework and grading scale approved for the school and district report card, as outlined in rule 3301-28-08 of the Ohio Administrative Code; and, Be It

FURTHER RESOLVED, That the Graduation component grade for the career-technical education report card will include the 4-year graduation rate and 5-year graduation rate, and the component grade will align to the framework approved in rule 3301-28-09 of the Ohio Administrative Code, with 60% of the weight being placed on the 4-year graduation rate and 40% of the grade being placed on the 5-year graduation rate; and, Be It

FURTHER RESOLVED, that on the 2016 career technical education report card:

- The Achievement component grade will be equal to the Technical Skill Attainment Measure grade; and
- the Post-Program Outcomes component grade will be equal to the Post-Program Placement Measure grade; and Be It
FURTHER RESOLVED, That beginning with the 2017 career technical education report card:

- The Achievement component will include a measure of Indicators Met aligned to the Performance Indicators outlined in rule 3301-28-04 of the Ohio Administrative Code; and
- The Achievement component grade for the career-technical education report card will be calculated with 75% of the grade coming from Technical Skill Attainment and 25% of the grade coming from Indicators Met; and
- The Industry-Recognized Credentials measure in the Post-Program Outcomes Component shall receive a grade; and
- The Post-Program Outcomes component grade for the career-technical education report card will be calculated with 75% of the grade coming from Post-Program Placement and 25% of the grade coming from Industry-Recognized Credentials.

It was Moved by Mrs. Bolender that the above recommendation (Item 20) be approved.

President Gunlock called for a roll call vote.

YES VOTES
Melanie P. Bolender    Pat Bruns
Michael Collins       Tess Elshoff
Joe Farmer            Cathye Flory
Thomas Gunlock        C. Todd Jones
Kathleen McGervey     Mary Rose Oakar
Frank Pettigrew       Ron Rudduck

NO VOTES
Stephanie Dodd        Sarah Fowler
Roslyn Painter-Goffi  A.J. Wagner

Motion carried.

Dr. Pettigrew presented the following recommendation (Item 21):

**21. RESOLUTION TO ADOPT A QUALIFYING SCORE FOR THE REVISED VISUALLY IMPAIRED OHIO ASSESSMENT FOR EDUCATORS (OAE) LICENSURE EXAM**

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

WHEREAS Section 3301.07 of the Ohio Revised Code requires the State Board of Education to formulate and prescribe minimum standards for the licensing of
WHEREAS the Evaluation Systems Group of Pearson was awarded the contract to provide the testing for licensure areas with the exception of world languages, the testing of which was awarded to the current provider of those exams, which is Language Testing International/The American Council on the Teaching of Foreign Languages; and

WHEREAS the Evaluation Systems Group of Pearson proceeded to customize the new Ohio Assessments for Educators (OAE), including conducting test validation and standard setting studies in April 2013, June 2013, September 2013, February 2014, and April 2014 with committees of participating Ohio P-12 educators and higher education representatives in each respective licensure area; and

WHEREAS the State Board adopted 28 new OAE licensure assessments (32 tests) at its June 2013 meeting, which began to be administered in September 2013, and also adopted an additional 11 new OAE licensure assessments (12 tests) at its November 2013 meeting, which began to be administered in January 2014; and

WHEREAS, The Braille Authority of North America affirmed January 4, 2016 as the date by which the United States will implement the general use of Unified English Braille to replace the current English Braille American Edition; and

WHEREAS the Evaluation Systems Group of Pearson proceeded to revise the Visually Impaired Ohio Assessment for Educators (OAE #045) to accommodate the change to Unified English Braille, including conducting test validation and standard setting studies in December 2015, with committees of participating Ohio P-12 educators and higher education representatives in the respective licensure area; and

WHEREAS, at its January 21, 2016 meeting the Ohio Educator Standards Board Licensure Committee reviewed expert panel recommended raw qualifying scores for the revised Visually Impaired licensure exam (045), and at its January 22, 2016 business meeting the Educator Standards Board recommended that the State Board of Education adopt the panel recommended raw qualifying score; and

WHEREAS, at its February 8, 2016 meeting the Capacity Committee reviewed the recommendation of the Educator Standards Board regarding the adoption of the panel recommended raw qualifying score for the revised assessment, and
voted to recommend to the State Board of Education the adoption of the panel recommended raw qualifying score for the revised assessment as indicated: Therefore, Be It

RESOLVED, That the State Board of Education hereby adopts the panel recommended raw qualifying score for the revised Visually Impaired Ohio Assessment for Educators (OAE #045) and establishes the raw qualifying score with a scaled score of 220 out of 300 as a requirement for licensure applicants in the respective licensure area (Intervention Specialist: Visually Impaired) for tests administered beginning with the OAE testing window commencing March 14, 2016.

It was Moved by Dr. Pettigrew that the above recommendation (Item 21) be approved.

President Gunlock called for a roll call vote.

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

Motion carried.

Non-Resolutions
Old Business

After Discussion, the Board approved the Superintendent profile and salary range from 210-250k.

Mrs. Dodd requested the Board conduct an evaluation of Dr. Ross and the Department. Mr. Jones then presented the following resolution: Mrs. Elshoff Seconded the motion.

The State Board of Education conducts performance evaluations of the Superintendent of Public Instruction. However, the Superintendent retired on December 31, 2015. As a result, Board members propose waiving the Superintendent’s evaluation.

RESOLUTION TO WAIVE PERFORMANCE EVALUATION OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION

WHEREAS, the State Board of Education appoints the Superintendent of Public Instruction and fixes the State Superintendent’s compensation in accordance with section 3301.08 of the Ohio Revised Code; and
WHEREAS, the State Board of Education conducts performance evaluations of the State Superintendent in accordance with its policies and procedures manual, typically on a calendar year basis; and

WHEREAS, the State Superintendent gave notice of his retirement as of December 31, 2015; and

WHEREAS, no purpose would be served by completing an evaluation and the evaluation would consume Board time and resources that could be more productively used on the ongoing work of the Board, including the process of selecting a new State Superintendent; and

RESOLVED, that the State Board of Education hereby waives the requirement to perform an evaluation of the State Superintendent of Public Instruction for calendar year 2015 in light of his retirement.

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

Mrs. Dodd stated that regardless of whether or not the state Superintendent retired, that does not mean the work of the Department of Education doesn’t cease and the review of the Department of Education is part of the review. She also stated she was told the review would be conducted in December and February.

Mr. Wagner stated we are not holding ourselves accountable by not conducting this evaluation.

Mrs. Painter-Goffi stated that it would be helpful to conduct an evaluation in moving forward.

Ms. Oakar stated the Board should complete a thorough evaluation and would not support the resolution.

Senator Lehner stated she did not believe an evaluation of an individual that was no longer here as being very productive but supported the idea of evaluating the Department. Ms. Fowler stated she supported Senator Lehner’s comments about where the direction of the evaluation should go.

Ms. Bruns stated she was troubled that this issue has been brought up beginning in December and has not been discussed in a meaningful way.

Mrs. Dodd Moved to Lay on the Table the proposed motion by Mr. Jones. Mrs. Painter-Goffi Seconded the motion.

President Gunlock called for a roll call vote.

YES VOTES
Pat Bruns
Cathye Flory
Mary Rose Oakar
Frank Pettigrew
Stephanie Dodd
Sarah Fowler
Roslyn Painter-Goffi
Ron Rudduck

NO VOTES
New Business

Mr. Jones stated he intended to bring forward a motion in April to do what is necessary to insure that he meets parliamentary procedure and yet have the effect of removing the superintendent evaluation of 2015.

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

The President requested a voice vote.

Motion carried.

President Gunlock adjourned the meeting at 5:00 p.m. The next regularly scheduled meeting of the State Board of Education is April 11-12, 2016.

ATTEST:

Tom Gunlock                                    Dr. Lonny J. Rivera
President                                      Interim 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.