MEMBERS OF THE STATE BOARD OF EDUCATION

Pat Bruns  Stephanie Dodd
Tess Elshoff  Joe Farmer
Cathye Flory  Sarah Fowler
Thomas Gunlock  Linda Haycock
Nancy Hollister  Meryl Johnson
Laura Kohler  Martha Manchester
Kathleen McGervey  Charlotte McGuire
Antoinette Miranda  Nick Owens
Eric Poklar  Rebecca Vazquez-Skillings
Lisa Woods

EX OFFICIO MEMBERS
Senator Peggy Lehner  Representative Andrew Brenner

SECRETARY
Paolo DeMaria
Superintendent of Public Instruction

NOTE: Mr. Farmer was absent on Tuesday.

The State Board convened on Monday, February 13, at the Ohio Department of Education in Columbus.

Chapter 119 Hearing

February 13, 2017
8:00 a.m.

Hearing Regarding the Amending, Rescinding and Adoption of Rules
The amendment, rescission and adoption of Nonpublic Schools Administrative Cost Reimbursement Rules 3301-40-01 through 3301-40-03 and 3301-40-05 through 3301-40-06 and the rescission and adoption of Rule 3301-51-15 entitled: Operating Standards for Identifying and Serving Students who are Gifted.

MEMBERS PRESENT

Pat Bruns  Stephanie Dodd
Tess Elshoff  Joe Farmer
Cathye Flory  Thomas Gunlock
Linda Haycock  Nancy Hollister
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Meryl Johnson Laura Kohler
Martha Manchester Kathleen McGervey
Charlotte McGuire Antoinette Miranda
Nick Owens Eric Poklar
Rebecca Vazquez-Skillings Lisa Woods

NOTE: Mrs. Kohler, Mrs. Manchester and Ms. McGervey entered the room after roll call.

President Elshoff stated the Board would proceed with the public hearing on the following rule actions: The amendment, rescission and adoption of Nonpublic Schools Administrative Cost Reimbursement Rules 3301-40-01 through 3301-40-03 and 3301-40-05 through 3301-40-06 and the rescission and adoption of Rule 3301-51-15 entitled: Operating Standards for Identifying and Serving Students who are Gifted.

President Elshoff called on Jim Miller, from the Office of the Attorney General, Assistant Attorney General, Education section. Mr. Miller called on Diane Lease, Chief Legal Counsel for the Ohio Department of Education.

Ms. Lease 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 and 3 would be true and accurate copies of the resolutions adopted by the State Board of Education regarding these rules,
- Board Exhibit 4 and 5 would be true and accurate copies of the rules as originally filed on January 6, 2017 with the Joint Committee on Agency Rule Review (JCARR) Legislative Service Commission (LSC) and the Secretary of State.

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

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 6.

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


3) Dr. Colleen Boyle, President, Ohio Association for Gifted Children (OAGC). Dr. Boyle spoke in support of Administrative Rule 3301-51-15, Operating Standards for Identifying and Serving Students who are Gifted.

Ms. Wadsworth submitted written testimony received by the Department to the Chair, who presented it to the Court Reporter.

President Elshoff called on Mr. Miller, who submitted into evidence State Board Exhibits 1 through 6.

President Elshoff stated that the exhibits were so received. As there was no more testimony, she declared the public hearing closed at 8:20 a.m.

Executive Committee

President Elshoff welcomed the Executive Committee at 8:25 a.m.

President Elshoff asked the Recording Secretary to call the roll.

MEMBERS PRESENT
Stephanie Dodd Joe Farmer
Nancy Hollister Kathleen McGervey
Rebecca Vazquez-Skillings Tess Elshoff

President Elshoff stated the Executive Committee had one item to cover today:

Discuss and Approve Out-of-State Travel Requests:

1) President Elshoff Moved to approve herself, Mrs. Flory, Mrs. Dodd, and Mrs. Hollister for the West Virginia trip to represent the Board at a convening of surrounding state Boards. Mrs. Dodd Seconded the motion. President Elshoff called for a voice vote. Motion carried.

2) NASBE conference in March to be held in Washington D.C. President Elshoff Moved to approve herself, Ms. Johnson, Mrs. Haycock, Ms. Fowler, Mrs. Flory and Mrs. McGuire for the NASBE conference. Mrs. Hollister Seconded the motion. President Elshoff called for a voice vote. Motion carried.

President Elshoff stated she would be asking the work group on professional development to review the recent out-of-state travel policy to ensure its intent.

Mrs. Dodd Moved to adjourn the meeting. Ms. McGervey Seconded the motion.

The President requested a voice vote.

Motion carried.

President Elshoff adjourned the meeting of the Executive Committee at 8:45 a.m.
Following Executive Committee, The Board’s Educators & Student Options and Accountability & Continuous Improvement Committees met beginning at 9:00 a.m.

STATE BOARD BUSINESS MEETING

President Elshoff convened the Business meeting of the State Board of Education on Monday, March 13, at 10:15 a.m.

President Elshoff asked the Recording Secretary to call the roll.

MEMBERS PRESENT

Pat Bruns
Tess Elshoff
Cathye Flory
Thomas Gunlock
Nancy Hollister
Laura Kohler
Kathleen McGervey
Antoinette Miranda
Eric Poklar
Lisa Woods
Stephanie Dodd
Joe Farmer
Sarah Fowler
Linda Haycock
Meryl Johnson
Martha Manchester
Charlotte McGuire
Nick Owens
Rebecca Vazquez-Skillings

EX OFFICIO MEMBERS

Senator Peggy Lehner
Representative Andrew Brenner

NOTE: Ms. Bruns, Ms. Fowler and Mrs. Manchester entered the room after roll call.

Diane Lease, Chief Legal Counsel, swore-in newly appointed Board member Laura Kohler, to the State Board of Education.

Cathye Flory welcomed Board members and guests, and led the Board in the Pledge of Allegiance.

Review of Written Reports and Items for Vote

CONSENT AGENDA

1. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL MULTI-AGE TEACHING LICENSE AND THREE-YEAR PUPIL ACTIVITY PERMIT OF TIMOTHY A. DEERING

2. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE THREE-YEAR PUPIL ACTIVITY PERMIT OF DANIEL T. GRACE

3. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER/DENIAL AND TO ENTER AN ORDER TO DENY PERMANENTLY THE FIVE-YEAR PROFESSIONAL HIGH SCHOOL PRINCIPAL LICENSE APPLICATION AND TO REVOKE PERMANENTLY THE PERMANENT
HIGH SCHOOL TEACHING CERTIFICATE OF DANIEL A. MARTIN

4. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE PERMANENT ELEMENTARY TEACHING CERTIFICATE OF MELINDA L. SHERBS

ADMINISTRATIVE RULES
There were no Administrative Rules for adoption in February.

TERRITORY TRANSFERS

5. RESOLUTION TO CONFIRM AND APPROVE THE RECOMMENDATION OF THE HEARING OFFICER AND TO APPROVE THE TRANSFER OF SCHOOL DISTRICT TERRITORY FROM THE EAST HOLMES LOCAL SCHOOL DISTRICT, HOLMES COUNTY, TO THE GARAWAY LOCAL SCHOOL DISTRICT, TUSCARAWAS COUNTY, PURSUANT TO SECTION 3311.24 OF THE OHIO REVISED CODE.

Items 6 through 16 were school personnel resolutions.

MISCELLANEOUS RESOLUTIONS

17. RESOLUTION TO APPOINT MEMBER OF THE STATE LIBRARY BOARD
18. RESOLUTION TO ADOPT ACADEMIC CONTENT STANDARDS IN MATHEMATICS AND ENGLISH LANGUAGE ARTS
19. RESOLUTION TO DENY STUDENT’S RIGHT TO PARTICIPATE IN THE COLLEGE CREDIT PLUS PROGRAM PURSUANT TO R.C. 3365.03(A)(1)(A).

Report of the Superintendent of Public Instruction

Superintendent DeMaria and key staff provided Board members with updates on the following topics:
- Ohio Teacher of the Year Overview
- ESSA Draft Overview

The State Board recessed for lunch.

Following lunch, Superintendent DeMaria and key staff continued his report to the state Board.

EXECUTIVE SESSION

President Elshoff called on Vice President Hollister, 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. Haycock Seconded the motion.

The President called for a roll call vote.

YES VOTES
Pat Bruns Stephanie Dodd
Tess Elshoff Cathye Flory
Sarah Fowler Thomas Gunlock
Linda Haycock Nancy Hollister
Meryl Johnson Laura Kohler
Martha Manchester Kathleen McGervey
Charlotte McGuire Antoinette Miranda
Nick Owens Eric Poklar
Rebecca Vazquez-Skillings Lisa Woods

Motion carried.

The Board went into Executive Session at 5:00 p.m.

The Board recessed from Executive Session at 6:30 p.m.

President Elshoff recessed the State Board Business meeting at 6:30 p.m.

President Elshoff recessed the Board meeting at 6:30 p.m.

President Elshoff reconvened the meeting of the State Board of Education on Tuesday, February 14, at 08:30 a.m.

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

Reconvene State Board Business Meeting

President Elshoff reconvened the Business meeting of the State Board of Education on Tuesday, February 14, at 10:00 a.m.
President Elshoff asked the Recording Secretary to call the roll.

MEMBERS PRESENT

- Pat Bruns
- Cathye Flory
- Thomas Gunlock
- Nancy Hollister
- Laura Kohler
- Kathleen McGervey
- Antoinette Miranda
- Eric Poklar
- Lisa Woods
- Tess Elshoff
- Sarah Fowler
- Linda Haycock
- Meryl Johnson
- Martha Manchester
- Charlotte McGuire
- Nick Owens
- Rebecca Vazquez-Skillings

NOTE: Mrs. Flory and Mrs. Vazquez-Skillings entered the room after roll call.

The Board recognized Mr. C. Todd Jones for his service on the State Board.

President Elshoff called for the approval of the Minutes of the January 2017 meeting. She asked if there were any corrections to the Minutes.

There were no corrections.

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

Motion carried unanimously.

BOARD PRESENTATIONS AND DISCUSSION FROM THE EXECUTIVE COMMITTEE

Chair: Tess Elshoff, Vice Chair: Nancy Hollister

Mrs. Hollister gave a report from the Executive Committee meeting focusing on the following issues:

The Executive Committee met to review out-of-state travel requests. The committee approved Ms. Elshoff, Ms. Flory, Ms. Dodd, and Ms. Hollister to travel to West Virginia to represent the Board at a convening of surrounding state boards. The committee also approved Ms. Johnson, Ms. Haycock, Ms. Fowler, Ms. Flory, Ms. McGuire and Ms. Elshoff to attend NASBE’s March conference in Washington, D.C. for professional development. Ms. Elshoff stated she would be asking the work group on professional development to review the recent out-of-state travel policy to ensure its intent.

BOARD PRESENTATIONS AND DISCUSSION FROM THE EDUCATORS & STUDENT OPTIONS COMMITTEE

Chair: Joe Farmer, Vice Chair: Sarah Fowler

Ms. Fowler gave a report from the Educators & Student Options Committee meeting focusing on the following issues:

- The Committee discussed amendments to OAC 3301-103-02, Autism Scholarship Program Established and 3301-103-07, Payment Under the Autism Scholarship Program. Following
discussion, the Committee voted to recommend the amended rules for adoption. The Full Board will be asked vote on a resolution to adopt this rule at its March meeting.

- The Committee discussed amended OAC 3301-5-01, Emergency Management Plan and Test. Following discussion, the Committee voted to recommend the amended rule for adoption. The Full Board will be asked vote on a resolution to adopt this rule at its March meeting.
- Ms. Immy Singh, Director, Office of Educator Licensure provided a brief presentation to Committee Members on the functions of the Office of Educator Licensure and information about educator licensure in Ohio. Members were provided an opportunity to ask questions about and were encouraged to forward any additional questions to the Department.

BOARD PRESENTATIONS AND DISCUSSION FROM THE ACCOUNTABILITY & CONTINUOUS IMPROVEMENT COMMITTEE
Chair: Nancy Hollister, Vice Chair: Cathye Flory
Mrs. Hollister gave a report from the Accountability & Continuous Improvement Committee meeting focusing on the following issues:

Report Card Overview: Facilitated by Dr. Chris Woolard, Chris provided an overview of the report local report card.
- The Ohio School Report Card, established in the Ohio Revised Code 3302.03 requires that the department release a school district report card annually by September 15. Chris also suggested that committee members read through ORC 3302.03 to familiarize themselves with details of the code as it relates to the report card.
- The Ohio Administrative Code (OAC) 3301-28-01 through 3301-28-10 describes the methodologies and grading scales for component grades and individual measures.
- Under ESSA, each statewide accountability system must meaningfully differentiate schools using at least
  - Academic Proficiency
  - Graduation
  - English Language proficiency
  - Another statewide academic indicator for K-8 schools which may be growth
  - One other state set non-academic indicator of school quality or student success
  - 95 percent assessment participation

School Improvement Overview: Facilitated by Jo Hannah Ward, Ms. Ward provided an overview of the School Improvement system indicating how each identified (district or building) receives support and monitoring from its regional state support team (SST) to implement a school improvement plan using the Ohio Improvement Process (OIP), which is a systemic process for making decisions about school improvement activities based on student performance data.
Ms. Ward also provided information on how Ohio currently identifies schools and districts for school improvement and the requirements of ESSA for states to identify.

Ohio currently identifies:
- Priority (lowest performing 5%)
- Focus (struggle with large achievement gaps in student performance and graduation rates)
- Watch (struggle with student subgroups and demonstrate low achievement)

ESSA requires states to identify
- The lowest 5% performing schools
- High schools struggling with graduation rates (four-year graduation rate being less than 67%)
- Schools struggling with gaps among subgroups
BOARD PRESENTATIONS AND DISCUSSION FROM THE ACHIEVEMENT & GRADUATION REQUIREMENTS COMMITTEE
Chair: Rebecca Vazquez-Skillings, Vice Chair: Kathleen McGervey
Mrs. Vazquez-Skillings gave a report from the Achievement & Graduation Requirements Committee meeting focusing on the following issues:

Department staff presented the following two proposed Ohio Administrative Code (OAC) revisions which are being reviewed as part of the 5 year rule review:

- **OAC 3301-13-11 Establishing Provisions for the Exemption of First Year Limited English Proficient Students and for the Allowance of Accommodations for Limited English Proficient Students**
  Staff presented a recommendation for rescission of the rule. Under ESSA, Ohio is required to submit a plan in spring 2017 that provides a framework for how Ohio will implement ESSA, including assessing limited English learners. Because Ohio has not yet submitted its state plan, which must be approved by the U.S. Department of Education, staff is recommending the rescission of this rule. Once the state plan for assessing and accommodating limited English learners is approved by the U.S. Department of Education, the updated rule will be presented for the Committee’s review and consideration. The committee approved the resolution to rescind the rule. The full board will vote in March.

- **OAC 3301-80-01 Minimum Standards for Venereal Disease Education**
  Staff presented a recommendation for rescission of OAC Rule 3301-80-01. This rule is being recommended for rescission due to language duplication with the Ohio Revised Code. Staff will share results from public feedback and respond to committee questions. The committee approved the resolution to rescind the rule. The full board will vote in March.

**Establishing a Postsecondary Credential Attainment Goal**
The committee discussed a resolution for the State Board of Education to commit to working with the Ohio Department of Education, Ohio Department of Higher Education, the Governor’s Office of Workforce Transformation, local school districts and other institutions to support the statewide goal to have 65 percent of Ohioans between 25 and 64 years old hold a degree, certificate or other postsecondary workforce credential of value in the workplace by 2025. The committee approved the resolution and the full board will vote in March. The committee will engage in ongoing discussion related to this attainment goal.

**Technology Academic Standards**
Staff provided a summary of the revision process and the final draft of the revised Technology Learning Standards. The Committee will be asked to vote to approve a resolution to adopt the standards at the March meeting with full board vote anticipated in April.

**Social Studies, Science and Financial Literacy Academic Standards Update**
Staff provided information on the public comment survey for each standards content area and updated the committee on the status of work of the Advisory Committees and Working Groups for each content area.

**Assessment Update**
Staff provided an update on the ACT Work Keys and ACT/SAT testing for the current school year and when results will be available. Staff responded to questions from the committee on state testing.

**PUBLIC PARTICIPATION ON ACTION ITEMS**
There was no Public Participation on Action Items.
VOTING ON THE REPORT & RECOMMENDATIONS OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION

President Elshoff called on Superintendent DeMaria for his report and recommendations.

President Elshoff presented the following recommendations (Items 1-4) on the Consent Agenda:

1. **RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL MULTI-AGE TEACHING LICENSE AND THREE-YEAR PUPIL ACTIVITY PERMIT OF TIMOTHY A. DEERING**

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

WHEREAS Timothy A. Deering held a five-year professional multi-age teaching license issued in 2011 and a three-year pupil activity permit issued in 2013; and

WHEREAS on December 22, 2016, the Ohio Department of Education received a voluntary surrender form from Timothy A. Deering, which authorizes the State Board of Education to enter an order permanently revoking his five-year professional multi-age teaching license issued in 2011 and three-year pupil activity permit issued in 2013 based upon Mr. Deering’s decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

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

WHEREAS Timothy A. Deering has waived his right to a hearing and authorizes the State Board of Education to enter an order permanently revoking his five-year professional multi-age teaching license issued in 2011 and 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** Timothy A. Deering’s five-year professional multi-age teaching license issued in 2011 and three-year pupil activity permit issued in 2013 based upon Mr. Deering’s decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Timothy A. Deering be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

RESOLVED, That the State Superintendent of Public Instruction be, and he hereby is, directed to notify Mr. Deering 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 DANIEL T. GRACE**

I **RECOMMEND** that the State Board of Education **ADOPT** the following Resolution:
WHEREAS Daniel T. Grace holds a three-year pupil activity permit issued in 2015; and

WHEREAS on December 21, 2016, the Ohio Department of Education received a voluntary surrender form from Daniel T. Grace, which authorizes the State Board of Education to enter an order permanently revoking his three-year pupil activity permit issued in 2015 based upon Mr. Grace's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

WHEREAS the form specifies that Daniel T. Grace is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

WHEREAS Daniel T. Grace 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 2015: 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 Daniel T. Grace's three-year pupil activity permit issued in 2015 based upon Mr. Grace's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Daniel T. Grace be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

3. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER/DENIAL AND TO ENTER AN ORDER TO DENY PERMANENTLY THE FIVE-YEAR PROFESSIONAL HIGH SCHOOL PRINCIPAL LICENSE APPLICATION AND TO REVOKE PERMANENTLY THE PERMANENT HIGH SCHOOL TEACHING CERTIFICATE OF DANIEL A. MARTIN

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

WHEREAS Daniel A. Martin has applied for a five-year professional high school principal license and holds a permanent high school teaching certificate issued in 2001; and

WHEREAS on February 1, 2016, the Interim State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Daniel A. Martin of its intent to deny or permanently deny his application for a five-year professional high school principal license and whether to limit, suspend, revoke, or permanently revoke his permanent high school teaching certificate issued in 2001 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Martin, while employed as an administrator during the 2010-2011 school year, engaging in the following conduct that is negligent and/or unbecoming to the teaching profession: Mr. Martin withdrew, or his acts, conduct, and/or omissions, allowed school building personnel to withdraw, multiple students from his school for impermissible reasons; and Mr. Martin changed, or his acts, conduct, and/or omissions, allowed school building personnel to change, the grades of multiple students in his school for impermissible reasons; and
WHEREAS on January 19, 2017, the Ohio Department of Education received a voluntary surrender/denial form from Daniel A. Martin, which authorizes the State Board of Education to enter an order permanently denying his application for a five-year professional high school principal license and permanently revoking his permanent high school teaching certificate issued in 2001 based upon Mr. Martin's alleged falsification of student information, including inaccurate reporting of student grades, and/or student enrollment and withdrawal data; and

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

WHEREAS Daniel A. Martin has waived his right to a hearing and authorizes the State Board of Education to enter an order permanently denying his application for a five-year professional high school principal license and permanently revoking his permanent high school teaching certificate issued in 2001: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and Ohio Revised Code 3319.311(F), hereby DENIES Daniel A. Martin's application for a five-year professional high school principal license and REVOKES Daniel A. Martin's permanent high school teaching certificate issued in 2001 based upon Mr. Martin's alleged falsification of student information, including inaccurate reporting of student grades, and/or student enrollment and withdrawal data. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b) and (A)(3)(b), orders Daniel A. Martin be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It

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

4. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE PERMANENT ELEMENTARY TEACHING CERTIFICATE OF MELINDA L. SHERBS

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

WHEREAS Melinda L. Sherbs holds a permanent elementary teaching certificate issued in 2003; and

WHEREAS on December 16, 2016, the Ohio Department of Education received a voluntary surrender form from Melinda L. Sherbs, which authorizes the State Board of Education to enter an order permanently revoking her permanent elementary teaching certificate issued in 2003 based upon Ms. Sherbs making an inappropriate comment to her class; and

WHEREAS the form specifies that Melinda L. Sherbs is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

WHEREAS Melinda L. Sherbs has waived her right to a hearing and authorizes the State Board of Education to enter an order permanently revoking her permanent elementary teaching certificate issued in 2003: 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 Melinda L.
Sherbs’ permanent elementary teaching certificate issued in 2003 based upon Ms. Sherbs making an inappropriate comment to her class. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Melinda L. Sherbs be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

It was Moved by Mrs. Flory and Seconded by Mrs. Hollister that the Consent Agenda (Items 1-4) be approved.

President Elshoff called for a roll call vote.

YES VOTES
Pat Bruns                      Cathye Flory
Sarah Fowler                  Thomas Gunlock
Linda Haycock                 Nancy Hollister
Meryl Johnson                 Laura Kohler
Martha Manchester             Kathleen McGervey
Charlotte McGuire             Antoinette Miranda
Nick Owens                    Eric Poklar
Rebecca Vazquez-Skillings     Lisa Woods
Tess Elshoff

Motion carried.

President Elshoff presented the following recommendation (Item 5):

5. RESOLUTION TO CONFIRM AND APPROVE THE RECOMMENDATION OF THE HEARING OFFICER AND TO APPROVE THE TRANSFER OF SCHOOL DISTRICT TERRITORY FROM THE EAST HOLMES LOCAL SCHOOL DISTRICT, HOLMES COUNTY, TO THE GARAWAY LOCAL SCHOOL DISTRICT, TUSCARAWAS COUNTY, PURSUANT TO SECTION 3311.24 OF THE OHIO REVISED CODE.

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

The State Board of Education did, on September 20, 2016, declare its intention to consider the request to transfer certain school district territory from the East Holmes Local School District, Holmes County, to the Garaway Local School District, Tuscarawas County, pursuant to Section 3311.24 of the Ohio Revised Code;

The Superintendent of Public Instruction was directed to notify the parties of such intent and to notify them of their opportunity for a hearing;

A hearing was requested by the petitioners, and the hearing was held on November 30, 2016, before a duly appointed hearing officer;

The Hearing Officer, in his report of December 19, 2016, recommends that the State Board of Education approve the proposed transfer of territory from the East Holmes
Local School District, Holmes County, to the Garaway Local School District, Tuscarawas County, pursuant to Ohio Revised Code Section 3311.24, and

No party has filed objections to the hearing officer’s report and recommendation.

NOW, THEREFORE, BE IT RESOLVED, that upon consideration of the hearing officer’s report and recommendation, the State Board of Education hereby confirms and approves the recommendation of the hearing officer and approves the request for the transfer of territory from the East Holmes Local School District, Holmes County, to the Garaway Local School District, Tuscarawas County; and Be It

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

It was Moved by Mrs. McGuire and Seconded by Ms. McGervey that the above recommendation (Item 5) be approved.

President Elshoff called for a roll call vote.

YES VOTES
Pat Bruns                Cathye Flory
Sarah Fowler            Thomas Gunlock
Linda Haycock           Nancy Hollister
Laura Kohler            Martha Manchester
Kathleen McGervey       Charlotte McGuire
Antoinette Miranda      Nick Owens
Eric Poklar             Rebecca Vazquez-Skillings
Lisa Woods              Tess Elshoff

NO VOTES
Meryl Johnson

Motion carried.

Lori Kelly, Director, Office of Professional Conduct, presented the following recommendation (Item 6):

6. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO DENY PERMANENTLY THE THREE-YEAR PUPIL ACTIVITY PERMIT APPLICATION OF JAMIE D. BANKS AKA JAMES D. BANKS

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

WHEREAS Jamie D. Banks, aka James D. Banks, has applied for a three-year pupil activity permit; and

WHEREAS on April 1, 2016, the Interim State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Jamie D. Banks 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)(c), and (F). The notice was based upon Mr. Banks’ 2011 conviction in the Franklin Municipal Court for one misdemeanor count of
WHEREAS Mr. Banks requested a hearing regarding the State Board of Education's intent; and

WHEREAS a hearing was held on September 27, 2016; and

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

WHEREAS the hearing officer recommends that Mr. Banks' pending 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 Mr. Banks engaging in conduct unbecoming an educator as demonstrated by his pattern of continual criminal behavior for a large portion of his adult life, and his failure to divulge his criminal history and fully review his application revealing a lack of good judgment and a failure to take the application process seriously; and

WHEREAS the State Board of Education 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 (F), hereby DENIES Jamie D. Banks' application for a three-year pupil activity permit based upon Mr. Banks' 2011 conviction in the Franklin Municipal Court for one misdemeanor count of driving under suspension, 2011 conviction in a separate case in the Franklin Municipal Court for one misdemeanor count of driving under the influence and one misdemeanor count of driving under suspension, 2007 conviction in the Franklin Municipal Court for one misdemeanor count of attempted breaking and entering, 2007 conviction in the Franklin Municipal Court for one minor misdemeanor count of disorderly conduct, 2007 conviction in the Middletown Municipal Court for one minor misdemeanor count of open flask, 2005 conviction in the Middletown Municipal Court for one minor misdemeanor count of intoxication, 2005 conviction in the Clinton County Municipal Court for one misdemeanor count of driving under the influence, 2001 conviction in the Miamisburg Municipal Court for one misdemeanor count of driving under the influence, 1999 conviction in the Clinton County Court of Common Pleas for one misdemeanor count of attempted vandalism, 1998 conviction in the Dayton Municipal Court for one misdemeanor count of physical control, and failure to disclose his 2007 convictions, his 2005 Middletown Municipal Court conviction, and his 1999 conviction on his pending application to the Ohio Department of Education.
Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders Jamie D. Banks be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

It was Moved by Ms. Fowler and Seconded by Mrs. Kohler that the above recommendation (Item 6) be approved.

President Elshoff called for a roll call vote.

YES VOTES
Pat Bruns
Sarah Fowler
Linda Haycock
Meryl Johnson
Martha Manchester
Charlotte McGuire
Nick Owens
Rebecca Vazquez-Skillings
Tess Elshoff

Cathye Flory
Thomas Gunlock
Nancy Hollister
Laura Kohler
Kathleen McGervey
Antoinette Miranda
Eric Poklar
Lisa Woods

Motion carried.

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

7. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER, TO STRIKE THE OBJECTIONS TO THE HEARING OFFICER'S REPORT AND RECOMMENDATION, AND TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL PUPIL SERVICES LICENSE OF MELISSA R. BREWER

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

WHEREAS Melissa R. Brewer holds a five-year professional pupil services license issued in 2012 which is currently suspended; and

WHEREAS On March 29, 2016, the Interim State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Melissa R. Brewer of the automatic suspension of her five-year professional pupil services license issued in 2012 pursuant to her 2014 consent agreement and 2015 addendum to the consent agreement with the State Board of Education. The notice advised Ms. Brewer that the State Board intended to determine whether to continue the automatic suspension of her license or whether to limit, revoke, or permanently revoke her license pursuant to Ohio Revised Code 3319.31(B)(1). The notice also advised Ms. Brewer that she had a right to request an administrative hearing to challenge the automatic suspension of her license and the State Board’s intent to continue the automatic suspension of her license and/or to limit, revoke, or permanently revoke her license if such hearing was requested within 30 days of the mailing of said notice. The notice was based upon Ms. Brewer violating her consent agreement with the State Board of Education, dated
WHEREAS Ms. Brewer requested a hearing in this matter, but her hearing request was not made in accordance with Revised Code 119.07; and

WHEREAS the Ohio Department of Education notified Ms. Brewer by letter that it would not honor her hearing request because the request was not timely submitted; and

WHEREAS a hearing was held on August 31, 2016; and

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

WHEREAS the hearing officer recommends that Ms. Brewer's license be revoked and she be permanently ineligible to apply for any license issued by the State Board of Education. The hearing officer’s recommendation is based upon Ms. Brewer engaging in conduct unbecoming an educator when she violated her consent agreement with the State Board of Education, dated June 2, 2014 as amended on July 20, 2015, by testing positive for the presence of alcohol and submitting a dilute sample during a random drug/alcohol test; and

WHEREAS Ms. Brewer filed objections to the hearing officer’s report and recommendation; and

WHEREAS the Ohio Department of Education filed a motion to strike Ms. Brewer’s objections based on the objections introducing additional facts and evidence which were not submitted during the administrative hearing; and

WHEREAS the hearing officer recommends that the Ohio Department of Education’s motion to strike Ms. Brewer’s objections be granted based upon Ms. Brewer’s objections referencing matters not in the administrative record and therefore outside the scope of proper objections; and

WHEREAS the State Board of Education has considered the Ohio Department of Education’s motion to strike Ms. Brewer’s objections and the hearing officer’s recommendation contained in her entry dated November 29, 2016; and

WHEREAS the State Board of Education 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 hereby STRIKES Ms. Brewer’s objections; and, Be It Further

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby REVOKES Melissa R. Brewer’s five-year professional pupil services license issued in 2012 based upon Ms. Brewer violating her consent agreement with the State Board of Education, dated June 2, 2014 as amended on July 20, 2015, by testing positive for the presence of alcohol and submitting a dilute sample during a random drug/alcohol test on or about March 15, 2016. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-
22(A)(2)(b), orders Melissa R. Brewer be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

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

President Elshoff called for a roll call vote.

YES VOTES
Pat Bruns Cathye Flory
Sarah Fowler Thomas Gunlock
Linda Haycock Nancy Hollister
Meryl Johnson Laura Kohler
Martha Manchester Kathleen McGervey
Charlotte McGuire Antoinette Miranda
Nick Owens Eric Poklar
Rebecca Vazquez-Skillings Lisa Woods
Tess Elshoff

Motion carried.

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

8. RESOLUTION TO ISSUE AND SUSPEND THE ONE-YEAR ADULT EDUCATION PERMIT APPLICATION OF JEFFREY J. FERGUSON WITH A PORTION OF THE SUSPENSION PERIOD TO BE STAYED

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

WHEREAS Jeffrey J. Ferguson held a one-year adult education permit issued in 2015 and has applied for a one-year adult education permit; and

WHEREAS on October 21, 2016, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Jeffrey J. Ferguson of its intent to determine whether to limit, suspend, revoke, or permanently revoke his one-year adult education permit issued in 2015 and to deny or permanently deny his application for a one-year adult education permit pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Ferguson's 2016 plea of no contest in the Marietta Municipal Court to one misdemeanor count of criminal trespass and subsequent placement into the court's diversion program; and

WHEREAS the notice informed Mr. Ferguson that if he fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code, the State Board of Education will proceed to determine whether to limit, suspend, revoke, or permanently revoke his one-year adult education permit issued in 2015 and to deny or permanently deny his application for a one-year adult education permit; and
WHEREAS Jeffrey J. Ferguson did not request a hearing in accordance with Section 119.07 of the Revised Code; and

WHEREAS Jeffrey J. Ferguson did submit his contentions in writing; and

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

WHEREAS the State Board of Education has considered Mr. Ferguson’s contentions in writing; 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 of Education 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 directs the Ohio Department of Education to ISSUE Jeffrey J. Ferguson's one-year adult education permit provided that Mr. Ferguson meets all the educational and licensure qualifications for the permit. Further, the State Board of Education hereby SUSPENDS Mr. Ferguson’s permit from July 1, 2016 through June 30, 2017 with the suspension to be stayed beginning on August 1, 2016 provided Mr. Ferguson remains in compliance with the terms of his diversion program. This action is based upon Mr. Ferguson's 2016 plea of no contest in the Marietta Municipal Court to one misdemeanor count of criminal trespass and subsequent placement into the court's diversion program. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(1)(e), orders that Jeffrey J. Ferguson be ineligible to reapply for any license issued by the State Board of Education until he has provided verification to the Ohio Department of Education that he has completed or remains in compliance with the terms of his diversion program; and, Be It Further

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

It was Moved by Ms. Bruns and Seconded by Mrs. Flory that the above recommendation (Item 8) be approved.

President Elshoff called for a roll call vote.

YES VOTES
Pat Bruns
Sarah Fowler
Linda Haycock
Meryl Johnson
Martha Manchester

Cathye Flory
Thomas Gunlock
Nancy Hollister
Laura Kohler
Kathleen McGervey

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

9. **RESOLUTION TO REVOKE PERMANENTLY THE FIVE-YEAR ASSOCIATE LICENSE OF LIANA R. HANCHER**

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

WHEREAS Liana R. Hancher held a five-year associate license issued in 2011; and

WHEREAS on November 14, 2016, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Liana R. Hancher of its intent to determine whether to limit, suspend, revoke, or permanently revoke her five-year associate license issued in 2011 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Hancher's 2014 conviction in the Mahoning County Court #5 for two minor misdemeanor counts of disorderly conduct which stemmed from Ms. Hancher originally being charged with one misdemeanor count of endangering children and one misdemeanor count of contributing to the unruliness of a child related to her involvement in her former husband's sexual battery of a minor; and

WHEREAS the notice informed Ms. Hancher that if she fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code, the State Board of Education will proceed to determine whether to limit, suspend, revoke, or permanently revoke her five-year associate license issued in 2011; and

WHEREAS Liana R. Hancher 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 Mahoning County Court #5, and certified police records from the Canfield 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 of Education 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

Motion carried.
RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby REVOKES Liana R. Hancher’s five-year associate license issued in 2011 based upon Ms. Hancher’s 2014 conviction in the Mahoning County Court #5 for two minor misdemeanor counts of disorderly conduct which stemmed from Ms. Hancher originally being charged with one misdemeanor count of endangering children and one misdemeanor count of contributing to the unruliness of a child related to her involvement in her former husband’s sexual battery of a minor. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Liana R. Hancher be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

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

President Elshoff called for a roll call vote.

YES VOTES
Pat Bruns Cathye Flory
Sarah Fowler Thomas Gunlock
Linda Haycock Nancy Hollister
Meryl Johnson Laura Kohler
Martha Manchester Kathleen McGervey
Charlotte McGuire Antoinette Miranda
Nick Owens Eric Poklar
Rebecca Vazquez-Skillings Lisa Woods
Tess Elshoff

Motion carried.

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

10. RESOLUTION TO REVOKE PERMANENTLY THE THREE-YEAR PUPIL ACTIVITY PERMIT OF JOHN E. HARPER

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

WHEREAS John E. Harper holds a three-year pupil activity permit issued in 2015 with an effective date of 2014; and

WHEREAS on October 6, 2016, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified John E. Harper of its intent to determine whether to limit, suspend, revoke, or permanently revoke his three-year pupil activity permit issued in 2015 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Harper’s 2015 conviction in the Clermont County Municipal Court for one misdemeanor count of persistent disorderly conduct and Mr. Harper being the subject of a domestic violence temporary protection order as a result of his dragging his wife down a flight of stairs, placing her in a headlock, twisting her neck, and threatening to gut her and throw her into the woods; and
WHEREAS the notice informed Mr. Harper that if he fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code, the State Board of Education will proceed to determine whether to limit, suspend, revoke, or permanently revoke his three-year pupil activity permit issued in 2015; and

WHEREAS John E. Harper 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 Clermont County Municipal Court, and certified police records from the Miami Township 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 of Education 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 REVOKES John E. Harper’s three-year pupil activity permit issued in 2015 based upon Mr. Harper’s 2015 conviction in the Clermont County Municipal Court for one misdemeanor count of persistent disorderly conduct and Mr. Harper being the subject of a domestic violence temporary protection order as a result of his dragging his wife down a flight of stairs, placing her in a headlock, twisting her neck, and threatening to gut her and throw her into the woods. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders John E. Harper be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

It was Moved by Ms. Johnson and Seconded by Ms. Bruns that the above recommendation (Item 10) be approved.

President Elshoff called for a roll call vote.

YES VOTES
Pat Bruns  Cathye Flory
Sarah Fowler  Thomas Gunlock
Linda Haycock  Nancy Hollister
Meryl Johnson  Laura Kohler
Martha Manchester  Kathleen McGervey
Charlotte McGuire  Antoinette Miranda
Nick Owens  Eric Poklar
Lori Kelly, Director, Office of Professional Conduct, presented the following recommendation (Item 11):

11. **RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO SUSPEND THE PERMANENT NON-TAX TEACHING CERTIFICATE OF KATHLEEN L. HOHENBERGER**

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

WHEREAS Kathleen L. Hohenberger holds a permanent non-tax teaching certificate issued in 1986 and held a five-year professional elementary teaching license issued in 2011; and

WHEREAS on February 1, 2016, the Interim State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Kathleen L. Hohenberger of its intent to determine whether to limit, suspend, revoke, or permanently revoke her permanent non-tax teaching certificate issued in 1986 and five-year professional elementary teaching license issued in 2011 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Hohenberger engaging in conduct that is unbecoming to the teaching profession when, during the 2013-2014 school year, she used an inappropriate physical intervention to redirect a student and also used disparaging terminology toward students; and

WHEREAS Ms. Hohenberger requested a hearing regarding the State Board of Education's intent; and

WHEREAS a hearing was held on August 11, 2016; and

WHEREAS Ms. Hohenberger was not present at the hearing, but she did submit her contentions in writing; and

WHEREAS the hearing officer recommends that no action be taken on Ms. Hohenberger's expired five-year professional elementary teaching license issued in 2011 and that Ms. Hohenberger's permanent non-tax teaching certificate issued in 1986 be suspended for a period of two years. Further, it is recommended that Ms. Hohenberger not be permitted to apply for reinstatement during the suspension period and, upon expiration of the suspension period, she must provide verification to the Ohio Department of Education that she has successfully completed, at her own cost, a fitness-to-teach evaluation, as well as eight hours of training in classroom management and eight hours of training on non-physical intervention in order to reactivate her suspended credential or apply for any other license issued by the State Board of Education. The hearing officer's recommendation is based upon Ms. Hohenberger engaging in conduct unbecoming to the teaching profession when, during the 2013-2014 school year, she used an inappropriate physical intervention to redirect a student and also used disparaging terminology toward students; and

WHEREAS the State Board of Education 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 SUSPENDS Kathleen L. Hohenberger's permanent non-tax teaching certificate issued in 1986 with the suspension beginning on February 14, 2017 and ending on February 14, 2019, provided that Ms. Hohenberger submits to the Ohio Department of Education, prior to February 14, 2019, verification that she has successfully completed, at her own cost, a fitness-to-teach evaluation performed by a licensed psychiatrist or psychologist, eight hours of training in classroom management and eight hours of training on non-physical intervention. All trainings and the licensed psychiatrist or psychologist must be pre-approved by the Ohio Department of Education. If Ms. Hohenberger fails to provide this verification prior to February 14, 2019, the suspension of her permanent certificate will continue indefinitely until she has submitted the required verification to the Ohio Department of Education. The suspension is based on Ms. Hohenberger engaging in conduct that is unbecoming to the teaching profession when, during the 2013-2014 school year, she used an inappropriate physical intervention to redirect a student and also used disparaging terminology toward students. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(1)(e), orders that Kathleen L. Hohenberger be ineligible to apply for any license until on or after the suspension of her permanent certificate has ended; and Be It Further

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

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

President Elshoff called for a roll call vote.

YES VOTES
Pat Bruns
Sarah Fowler
Linda Haycock
Laura Kohler
Kathleen McGervey
Antoinette Miranda
Eric Poklar
Lisa Woods

Cathye Flory
Thomas Gunlock
Nancy Hollister
Martha Manchester
Charlotte McGuire
Nick Owens
Rebecca Vazquez-Skillings
Tess Elshoff

NO VOTES
Meryl Johnson

Motion carried.

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

12. RESOLUTION TO REVOKE PERMANENTLY THE THREE-YEAR PUPIL ACTIVITY PERMIT OF PARIS D. JACKSON
I RECOMMEND that the State Board of Education ADOPT the following Resolution:

WHEREAS Paris D. Jackson holds a three-year pupil activity permit issued in 2015; and

WHEREAS on November 14, 2016, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Paris D. Jackson of its intent to determine whether to limit, suspend, revoke, or permanently revoke his three-year pupil activity permit issued in 2015 pursuant to Ohio Revised Code 3319.31(B)(1), [redacted in accordance with Ohio law], (B)(2)(c), and [redacted in accordance with Ohio law]. The notice was based upon Mr. Jackson’s [redacted in accordance with Ohio law], 2015 conviction in the Massillon Municipal Court for one minor misdemeanor count of disorderly conduct, 2014 conviction in the Cuyahoga County Court of Common Pleas for one misdemeanor count of theft/aggravated theft, 1995 conviction in the Lyndhurst Municipal Court for one misdemeanor count of theft, and failure to disclose his 1995 conviction on his 2015 application to the Ohio Department of Education; and

WHEREAS the notice informed Mr. Jackson that if he fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code, the State Board of Education will proceed to determine whether to limit, suspend, revoke, or permanently revoke his three-year pupil activity permit issued in 2015; and

WHEREAS Paris D. Jackson did not request a hearing in accordance with Section 119.07 of the Revised Code; and

WHEREAS the State Board of Education has reviewed the affidavit of the director of the Office of Professional Conduct, Notice of the State Board of Education’s Intended Action and Opportunity for a Hearing, and certified court records from the Cuyahoga County Court of Common Pleas, Massillon Municipal Court, and Lyndhurst Municipal Court, and certified police records from the Mayfield Heights 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 of Education 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), [redacted in accordance with Ohio law], (B)(2)(c), and [redacted in accordance with Ohio law], hereby REVOKES Paris D. Jackson’s three-year pupil activity permit issued in 2015 based upon Mr. Jackson’s [redacted in accordance with Ohio law], 2015 conviction in the Massillon Municipal Court for one minor misdemeanor count of disorderly conduct, 2014 conviction in the Cuyahoga County Court of Common Pleas for one misdemeanor count of theft/aggravated theft, 1995 conviction in the Lyndhurst Municipal Court for one misdemeanor count of theft, and failure to disclose his 1995 conviction on his 2015 application to the Ohio Department of Education. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Paris D. Jackson be
RESOLVED, That the State Superintendent of Public Instruction be, and he hereby is, directed to notify Mr. Jackson of this action.

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

President Elshoff called for a roll call vote.

YES VOTES
Pat Bruns Cathye Flory
Sarah Fowler Thomas Gunlock
Linda Haycock Nancy Hollister
Meryl Johnson Laura Kohler
Martha Manchester Kathleen McGervey
Charlotte McGuire Antoinette Miranda
Nick Owens Eric Poklar
Rebecca Vazquez-Skillings Lisa Woods
Tess Elshoff

Motion carried.

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

13. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER, TO STRIKE EXHIBIT B OF MS. LEMIRE’S OBJECTIONS TO THE HEARING OFFICER’S REPORT AND RECOMMENDATION, AND TO REVOKE THE FIVE-YEAR PROFESSIONAL ELEMENTARY TEACHING LICENSE OF NICOLE M. LEMIRE

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

WHEREAS Nicole M. LeMire held a five-year professional elementary teaching license issued in 2011; and

WHEREAS on December 10, 2015, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Nicole M. LeMire of its intent to determine whether to limit, suspend, revoke, or permanently revoke her five-year professional elementary teaching license issued in 2011 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. LeMire engaging in the following conduct that is unbecoming to the teaching profession: on or about April 14, 2015, Ms. LeMire encouraged students to share negative issues they had with a fellow student in front of other students in the class, Ms. LeMire did not allow the affected student to respond to any comments, Ms. LeMire told the affected student that the student would lose a portion of recess each time the student interrupted, and Ms. LeMire tallied the number of times the affected student interrupted the other students; on or about December 2014, Ms. LeMire had students write down issues they had with other students and then read those issues aloud to the class; and on or about 2009 through 2014 Ms. LeMire received discipline by her employing district on five occasions,
including on or about December 23, 2014, Ms. LeMire received a two-week unpaid suspension and written reprimand due to ongoing communication concerns and repeated occurrences of her failing to reply to emails, on or about June 10, 2014, Ms. LeMire received a written reprimand and a two-day unpaid suspension due to ongoing concerns with communication and repeated occurrences with her grades not being submitted on time and with accuracy, on or about April 11, 2014, Ms. LeMire received a written reprimand for her poor communication, on or about November 11, 2013, Ms. LeMire received a written reprimand for leaving students unattended, and on or about April 29, 2009, Ms. LeMire received a written reprimand for failing to follow administrative procedures for a Ohio Achievement reading test that resulted in the invalidation of a student's test; and

WHEREAS Ms. LeMire requested a hearing regarding the State Board of Education's intent; and

WHEREAS a hearing was held on July 18-21, 2016; and

WHEREAS Ms. LeMire was present at the hearing, and counsel did represent her; and

WHEREAS the hearing officer recommends that Ms. LeMire's five-year professional elementary teaching license issued in 2011 be revoked and that she not be permitted to reapply for any license issued by the Ohio Department of Education until on or after four years from the date her previous license expired, provided that prior to reapplication she completes sixteen hours of continuing education courses on the subject of classroom management and twenty-four hours on the subject of student behavioral/disciplinary methods and issues. The hearing officer’s recommendation is based upon Ms. LeMire's conduct proven to constitute conduct unbecoming an educator as established by Ms. LeMire's inappropriate and unprofessional examination of a student's behavior in a public setting with the active participation of other students, along with her public disclosure of the names and alleged misbehavior of students in a separate instance; and

WHEREAS on or about October 31, 2016, the Ohio Department of Education filed a motion for clarification regarding the hearing officer’s report and recommendation; and

WHEREAS on or about November 4, 2016, the hearing officer filed an entry to clarify the report and recommendation; and

WHEREAS on or about November 10, 2016, Ms. LeMire timely filed objections to the hearing officer’s report and recommendation; and

WHEREAS on or about November 16, 2016, the Ohio Department of Education filed a motion to strike Exhibit B of Ms. LeMire’s objections; and

WHEREAS on or about November 16, 2016, Ms. LeMire filed a response to the Ohio Department of Education’s motion to strike; and

WHEREAS on or about November 23, 2016, the hearing officer filed an entry recommending that the Ohio Department of Education’s motion to strike Exhibit B of Ms. LeMire’s objections be granted; and

WHEREAS on or about November 30, 2016, the Ohio Department of Education filed a motion for clarification of the hearing officer’s entry dated November 23, 2016; and
WHEREAS on or about December 8, 2016, the hearing officer filed an entry clarifying his November 23, 2016 entry that recommended Exhibit B of Ms. LeMire’s objections be stricken; and

WHEREAS the State Board of Education has considered the hearing officer’s report and recommendation, Ms. LeMire’s objections, the Ohio Department of Education’s motion to strike, Ms. LeMire’s response to the Ohio Department of Education’s motion to strike, and the hearing officer’s recommendations contained in his entries dated November 4, 2016, November 23, 2016 and December 8, 2016; and

WHEREAS the State Board of Education 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 hereby STRIKES Exhibit B of Ms. LeMire’s objections in accordance with the hearing officer’s entries dated November 23, 2016 and December 8, 2016; and, Be It Further

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby REVOKES Nicole M. LeMire’s five-year professional elementary teaching license issued in 2011 based upon Ms. LeMire engaging in the following conduct that is unbecoming to the teaching profession: on or about April 14, 2015, Ms. LeMire encouraged students to share negative issues they had with a fellow student in front of other students in the class, Ms. LeMire did not allow the affected student to respond to any comments, Ms. LeMire told the affected student that the student would lose recess each time the student interrupted, and Ms. LeMire tallied the number of times the affected student interrupted the other students; and on or about December 2014, Ms. LeMire had students write down issues they had with other students and then read those issues aloud to the class. Pursuant to Ohio Administrative Code Rule 3301-73-21(B), the State Board further considers in aggravation the following discipline Ms. LeMire received from her employing district from on or about 2009 through 2014: on or about December 23, 2014, Ms. LeMire received a two-week unpaid suspension and written reprimand due to ongoing communication concerns and repeated occurrences of her failing to reply to emails; on or about June 10, 2014, Ms. LeMire received a written reprimand and a two-day unpaid suspension due to ongoing concerns with communication and repeated occurrences with her grades not being submitted on time and with accuracy; on or about April 11, 2014, Ms. LeMire received a written reprimand for her poor communication; on or about November 11, 2013, Ms. LeMire received a written reprimand for leaving students unattended; and on or about April 29, 2009, Ms. LeMire received a written reprimand for failing to follow administrative procedures for a Ohio Achievement reading test that resulted in the invalidation of a student's test. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that Nicole M. LeMire is ineligible to reapply for any license issued by the State Board of Education until on or after July 1, 2020, provided that prior to reapplication, she completes, at her own expense, sixteen hours of continuing education courses on the subject of classroom management and twenty-four hours of continuing education courses on the subject of student behavioral/disciplinary methods and issues with all the courses to be pre-approved by the Ohio Department of Education; and, Be It Further

RESOLVED, That the State Superintendent of Public Instruction be, and he hereby is, directed to notify Ms. LeMire of this action.
It was Moved by Ms. Fowler and Seconded by Ms. Bruns that the above recommendation (Item 13) be approved.

President Elshoff called for a roll call vote.

YES VOTES
Pat Bruns
Sarah Fowler
Linda Haycock
Laura Kohler
Kathleen McGervey
Antoinette Miranda
Eric Poklar
Lisa Woods
Cathye Flory
Thomas Gunlock
Nancy Hollister
Martha Manchester
Charlotte McGuire
Nick Owens
Rebecca Vazquez-Skillings
Tess Elshoff

NO VOTES
Meryl Johnson

Motion carried.

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

**14. RESOLUTION TO REVOKE PERMANENTLY THE PERMANENT NON-TAX TEACHING CERTIFICATE OF FRASER A. SIMS**

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

WHEREAS Fraser A. Sims holds a permanent non-tax teaching certificate issued in 2012 with an effective year of 2011; and

WHEREAS on November 18, 2016, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Fraser A. Sims of its intent to determine whether to limit, suspend, revoke, or permanently revoke his permanent non-tax teaching certificate issued in 2012 with an effective year of 2011 pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(a). The notice was based upon Mr. Sims’ 2016 conviction in the Cuyahoga County Court of Common Pleas for three felony counts of aggravated vehicular assault and one misdemeanor count of driving under the influence of alcohol or drugs; and

WHEREAS the notice informed Mr. Sims that if he fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code, the State Board of Education will proceed to determine whether to limit, suspend, revoke, or permanently revoke his permanent non-tax teaching certificate issued in 2012; and

WHEREAS Fraser A. Sims did not request a hearing in accordance with Section 119.07 of the Revised Code; and

WHEREAS the State Board of Education has reviewed the affidavit of the director of the Office of Professional Conduct, Notice of the State Board of Education’s Intended Action and Opportunity for a Hearing, certified court records from the Cuyahoga
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County Court of Common Pleas, and police records from the Cleveland Division of Police; 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 of Education has considered the factors listed in Rule 3301-73-21 of the Ohio Administrative Code and has considered the \textit{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)(a), hereby \textbf{REVOKES} Fraser A. Sims' permanent non-tax teaching certificate issued in 2012 based upon Mr. Sims' 2016 conviction in the Cuyahoga County Court of Common Pleas for three felony counts of aggravated vehicular assault and one misdemeanor count of driving under the influence of alcohol or drugs. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Fraser A. Sims be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

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

President Elshoff called for a roll call vote.

**YES VOTES**

- Pat Bruns
- Sarah Fowler
- Linda Haycock
- Meryl Johnson
- Martha Manchester
- Charlotte McGuire
- Nick Owens
- Rebecca Vazquez-Skillings
- Tess Elshoff
- Cathye Flory
- Thomas Gunlock
- Nancy Hollister
- Laura Kohler
- Kathleen McGervey
- Antoinette Miranda
- Eric Poklar
- Lisa Woods

Motion carried.

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

15. \textbf{RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE THE THREE-YEAR PUPIL ACTIVITY PERMIT OF MICHAEL T. SPINELLA}
I RECOMMEND that the State Board of Education ADOPT the following Resolution:

WHEREAS Michael T. Spinella held a three-year pupil activity permit issued in 2013; and

WHEREAS on June 9, 2015, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Michael T. Spinella of its intent to determine whether to limit, suspend, revoke, or permanently revoke his three-year pupil activity permit issued in 2013 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Spinella engaging in the following conduct that is unbecoming to the teaching profession: on or about December 16, 2013, while coaching basketball practice, Mr. Spinella made an inappropriate comment about a part of a student's anatomy; and during the 2013-2014 school year, Mr. Spinella entered a locker room without announcing his location to the student athletes inside, who were in varying stages of undress; and

WHEREAS Mr. Spinella requested a hearing regarding the State Board of Education's intent; and

WHEREAS a hearing was held on September 8, 2016; and

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

WHEREAS the hearing officer recommends that Mr. Spinella's three-year pupil activity permit issued in 2013 be revoked and that he not be permitted to reapply for any license issued by the Ohio Department of Education until on or after October 2017, provided that prior to reapplication, he must complete a fitness to teach evaluation and training on teacher-student boundaries. The hearing officer's recommendation is based upon Mr. Spinella's conduct being unbecoming to the teaching profession and the negative impact his licensure would have on the welfare of the school community without the safeguards that he complete a fitness to teach evaluation and training on teacher-student boundaries before reapplying for a license with the Ohio Department of Education; and

WHEREAS the State Board of Education 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 REVOKES Michael T. Spinella's three-year pupil activity permit issued in 2013 based upon Mr. Spinella engaging in the following conduct that is unbecoming to the teaching profession: on or about December 16, 2013, while coaching basketball practice, Mr. Spinella made an inappropriate comment about a part of a student's anatomy; and during the 2013-2014 school year, Mr. Spinella entered a locker room without announcing his location to the student athletes inside, who were in varying stages of undress. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that Michael T. Spinella is ineligible reapply for any license issued by the State Board of Education until on or after October 1, 2017, provided that prior to reapplication and at his own expense, Mr. Spinella must complete a fitness to teach evaluation, performed by a licensed psychiatrist or psychologist who is pre-approved by the Ohio
Department of Education, complete all recommendations of the evaluation, and complete twelve hours of training on teacher-student boundaries with the training to be pre-approved by the Ohio Department of Education; and, Be It Further RESOLVED, That the State Superintendent of Public Instruction be, and he hereby is, directed to notify Mr. Spinella of this action.

It was Moved by Mrs. McGuire and Seconded by Mrs. Kohler that the above recommendation (Item 15) be approved.

Mrs. Haycock Moved to Amend the resolution by Substitution. She proposed to revoke permanently Mr. Spinella's three-year pupil activity permit issued in 2013. Ms. McGervey Seconded the motion. Mrs. Haycock stated that she believed the nature of the case warranted a permanent revocation of his pupil activity permit.

Ms. Fowler stated she would support the amendment and felt students should not be placed in such a compromised position.

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

YES VOTES
Pat Bruns  Sarah Fowler
Thomas Gunlock  Linda Haycock
Meryl Johnson  Martha Manchester
Kathleen McGervey  Charlotte McGuire
Antoinette Miranda  Nick Owens
Eric Poklar  Rebecca Vazquez-Skillings
Lisa Woods  Tess Elshoff

NO VOTES
Cathye Flory  Nancy Hollister
Laura Kohler

Motion carried.

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

YES VOTES
Pat Bruns  Sarah Fowler
Thomas Gunlock  Linda Haycock
Meryl Johnson  Laura Kohler
Martha Manchester  Kathleen McGervey
Charlotte McGuire  Antoinette Miranda
Nick Owens  Eric Poklar
Rebecca Vazquez-Skillings  Lisa Woods
Tess Elshoff

NO VOTES
Cathye Flory  Nancy Hollister

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, TO ISSUE MR. VONDENBENKEN’S APPLICATIONS FOR A ONE-YEAR EXTENSION OF HIS FOUR-YEAR RESIDENT EDUCATOR ADOLESCENCE TO YOUNG ADULT TEACHING LICENSE, TWO-YEAR EXTENSION OF HIS FOUR-YEAR RESIDENT EDUCATOR ADOLESCENCE TO YOUNG ADULT TEACHING LICENSE, AND ONE-YEAR SUBSTITUTE ADOLESCENCE TO YOUNG ADULT TEACHING LICENSE, AND TO SUSPEND ANY ISSUED LICENSES OF KHORI T. VONDENBENKEN WITH THE SUSPENSION PERIOD TO BE STAYED

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

WHEREAS Khori T. Vondenbenken has applied for a one-year extension of his four-year resident educator adolescence to young adult teaching license, two-year extension of his four-year resident educator adolescence to young adult teaching license, and one-year substitute adolescence to young adult teaching license; and

WHEREAS on July 18, 2016, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Khori T. Vondenbenken of its intent to determine whether to deny or permanently deny his applications for a one-year extension of his four-year resident educator adolescence to young adult teaching license, two-year extension of his four-year resident educator adolescence to young adult teaching license and, one-year substitute adolescence to young adult teaching license pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Vondenbenken engaging in the following conduct that is unbecoming to the teaching profession: on or about the 2013-2014 school year, Mr. Vondenbenken falsified several student scores on the summative assessments of his Student Learning Objectives (SLOs) by changing post-assessment scores to higher scores; and on or about the 2014-2015 school year, Mr. Vondenbenken asked another teacher to assign scores to two students for the pre-assessment of his SLOs instead of giving the students make-up tests after they were absent on the day the pre-assessments were given; and

WHEREAS Mr. Vondenbenken requested a hearing regarding the State Board of Education's intent; and

WHEREAS a hearing was held on July 21, 2016; and

WHEREAS Mr. Vondenbenken was present at the hearing, and counsel did represent him; and

WHEREAS the hearing officer recommends that Mr. Vondenbenken's applications be issued and his licenses be suspended for two years with the entire suspension period stayed unless and until Mr. Vondenbenken again engages in unbecoming conduct under R.C. 3319.31(B)(1). Further, the hearing officer recommends that Mr. Vondenbenken complete eight hours of training on professional boundaries and ethics. The hearing officer’s recommendation is based upon Mr. Vondenbenken engaging in academic fraud, but the record containing very strong, unequivocal testimony by the employing district's superintendent and principal that Mr. Vondenbenken is needed to continue as a science teacher in their district and
removing him from class would be a real hardship for the students that he teaches; and

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

WHEREAS the State Board of Education considered the hearing officer’s report and recommendation and the objections to the hearing officer’s report and recommendation, which the Ohio Department of Education timely filed; and

WHEREAS the State Board of Education 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 corrects a typographical error in the report and recommendation by modifying conclusion of law numbered four so the language beginning on line five of the conclusion of law and ending on line six now reads, “...when the misconduct occurred Mr. Vondenbenken concealed his misconduct and did not report it to anyone...”; Therefore, Be It

RESOLVED, That the State Board of Education corrects a typographical error in the report and recommendation by modifying conclusion of law numbered four so the language beginning on line five of the conclusion of law and ending on line six now reads, “...when the misconduct occurred Mr. Vondenbenken concealed his misconduct and did not report it to anyone...”; and, Be It Further

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby directs the Ohio Department of Education to ISSUE Khori T. Vondenbenken's applications for a one-year extension of his four-year resident educator adolescence to young adult teaching license, two-year extension of his four-year resident educator adolescence to young adult teaching license, and one-year substitute adolescence to young adult teaching license provided that Mr. Vondenbenken meets all the educational and licensure qualifications for each credential. Further, the State Board hereby SUSPENDS any of these licenses that are issued for a period of two years or until the credential expires, whichever occurs first, with the suspension to begin on February 14, 2017, and STAYS the entire suspension period unless and until Mr. Vondenbenken engages in unbecoming conduct under R.C. 3319.31(B)(1). Further, the State Board of Education hereby orders Mr. Vondenbenken to complete, at his own expense, eight hours of training on professional boundaries and ethics with the training to be pre-approved by the Ohio Department of Education and to submit verification of the training’s completion to the Ohio Department of Education by May 14, 2017. The State Board’s order is based upon Mr. Vondenbenken engaging in conduct that is unbecoming to the teaching profession on or about the 2013-2014 school year when he falsified several student scores on the summative assessments of his Student Learning Objectives (SLOs) by changing post-assessment scores to higher scores; and, Be It Further

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

It was Moved by Ms. Fowler and Seconded by Mrs. Hollister that the above recommendation (Item 16) be approved.
Mr. Gunlock Moved to Amend the resolution by substitution. He proposed to deny Mr. Vondenbenken's applications for a one-year extension of his four-year resident educator adolescence to young adult teaching license, two-year extension of his four-year resident educator adolescence to young adult teaching license, and one-year substitute adolescence to young adult teaching license. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders Khori T. Vondenbenken be permanently ineligible to apply for any license issued by the State Board of Education. Mr. Owens Seconded the motion. Mr. Gunlock stated two actions of fraud occurred at different times during different school years.

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

YES VOTES
Pat Bruns
Thomas Gunlock
Nancy Hollister
Martha Manchester
Charlotte McGuire
Nick Owens
Rebecca Vazquez-Skillings
Tess Elshoff

Sarah Fowler
Linda Haycock
Laura Kohler
Kathleen McGervey
Antoinette Miranda
Eric Poklar
Lisa Woods

NO VOTES
Cathye Flory
Meryl Johnson

Motion carried.

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

YES VOTES
Pat Bruns
Thomas Gunlock
Nancy Hollister
Martha Manchester
Charlotte McGuire
Nick Owens
Rebecca Vazquez-Skillings
Tess Elshoff

Sarah Fowler
Linda Haycock
Laura Kohler
Kathleen McGervey
Antoinette Miranda
Eric Poklar
Lisa Woods

NO VOTES
Cathye Flory
Meryl Johnson

Motion carried.

President Elshoff presented the following recommendation (Item 17):

17. RESOLUTION TO APPOINT MEMBER OF THE STATE LIBRARY BOARD

The Board RECOMMENDS that the State Board of Education APPROVE the following Resolution:
Ohio Revised Code Section 3375.01 charges the State Board of Education with appointing members of the State Library Board;

The five-year term of State Library Board member and President Jennifer Thompson McKell ended on December 31, 2016;

The State Board of Education has reviewed the qualifications of the candidates and recommends that the following individual be appointed to the State Library Board;

NOW, THEREFORE BE IT RESOLVED, that the State Board of Education appoints __________ to the State Library Board for a five-year term beginning February 14, 2017.

President Elshoff announced the Board would use same process for the Library Board as it did in electing Board officers in January.

It was Moved by Mrs. Vazquez-Skillings and Seconded by Mrs. Hollister to approve the process for appointing the individual to the State Library Board. Mrs. Vazquez-Skillings spoke in support of Ms. Najera.

Motion carried.

President Elshoff opened the floor for Nominations:

1) Mrs. Vazquez-Skillings nominated and spoke in support of Tracy Najera
2) Mrs. Haycock nominated and spoke in support of Corine Doll
3) Mrs. Woods nominated and spoke in support of John Miller
4) Mr. Owens nominated and spoke in support of Jennifer Wilcox

President Elshoff closed nominations.

Round 1 of voting:

President Elshoff asked each Board member to say the name of the candidate they were voting for:

1) Tracy Najera
   - Pat Bruns
   - Meryl Johnson
   - Martha Manchester
   - Antoinette Miranda
   - Rebecca Vazquez-Skillings

2) Corine Doll
   - Linda Haycock

3) John Miller
   - Cathye Flory
   - Thomas Gunlock
   - Lisa Woods

4) Jennifer Wilcox
   - Nick Owens

Ms. Fowler noted the qualifications of Ms. Najera and expressed her support of Mr. Miller and spoke of her desire to have representation from an individual outside of the Columbus area to represent the Board.
Ms. Johnson spoke of Ms. Najera’s depth of knowledge and budget experience and stated she would support her appointment.

Ms. Bruns spoke in support of Ms. Najera and her interest in how libraries can be leveraged to become incubators for innovation in rural communities.

Mr. Gunlock spoke in support of Mr. Miller and the need for representation by individuals outside of Franklin County.

Mrs. Hollister stated that either individual would serve the Board well and recognized the need for representation by individuals outside of Franklin County.

Round 2 of voting:
President Elshoff asked each Board member to say the name of the candidate they were voting for: Ms. Doll and Ms. Wilcox were dropped from the voting.

1) Tracy Najera
   Pat Bruns
   Meryl Johnson
   Martha Manchester
   Antoinette Miranda
   Eric Poklar
   Tess Elshoff
   Linda Haycock
   Laura Kohler
   Charlotte McGuire
   Nick Owens
   Rebecca Vazquez-Skillings

2) John Miller
   Cathye Flory
   Thomas Gunlock
   Kathleen McGervey
   Sarah Fowler
   Nancy Hollister
   Lisa Woods

President Elshoff announced that Tracy Najera had been appointed to the State Library Board.

President Gunlock presented the following recommendation (Item 18):

18. **RESOLUTION TO ADOPT ACADEMIC CONTENT STANDARDS IN MATHEMATICS AND ENGLISH LANGUAGE ARTS**

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

Ohio Revised Code (ORC) §3301.079 requires the State Board of Education to adopt statewide academic standards for each of grades kindergarten through twelve that emphasize coherence, focus, and rigor;

The Department utilized the work of the academic standards committees outlined in ORC §3301.079 to the review Ohio’s learning standards as part of the comprehensive review process that seeks input from stakeholders; values teachers’ work with the standards; seeks to improve the standards; and creates a process for future improvements;

The Department facilitated the review process by seeking two public comment surveys. The first public comment survey was conducted February 23 - April 5, 2016 and resulted in 1,002 responses which allowed stakeholders to recommend revisions. The second public comment survey was conducted July 8 - August 1, 2016 and
resulted in 2,540 responses and allowed stakeholders to review draft revisions and provide feedback on the revisions;

The Department convened advisory committees of Ohio educational organizations and working groups by grade band of Ohio educators to make recommended revisions and address issues of clarity, grade level appropriateness, content, and other comments raised through the public comment surveys; and

The Achievement and Graduation Requirements Committee of the State Board of Education has received monthly updates from the Department and provided input on the revision process and timelines since February 2016.

THEREFORE, BE IT RESOLVED, that the State Board of Education hereby adopts the revised Ohio learning standards in mathematics and English language arts and their successive versions;

BE IT FURTHER RESOLVED, that the Superintendent of Public Instruction is hereby authorized to publish these standards electronically or through other media as Ohio's learning standards in mathematics and English language arts and their accompanying forms and to make such revisions to form and style as may be determined necessary of a non-substantive nature, including grammatical and other technical matters;

BE IT FURTHER RESOLVED, that these standards shall become operational to inform district curriculum in the school year 2017-2018;

BE IT FURTHER RESOLVED, that the Superintendent of Public Instruction shall make periodic reports on the implementation of Ohio's learning standards for mathematics and English language arts to the State Board of Education in order to inform its understanding of the transition to full operation of the standards;

BE IT FURTHER RESOLVED, that these standards shall be used for the Ohio State Tests for mathematics and English language arts during the 2018-2019 school year pursuant to ORC §§ 3301.0710 and 3301.0712; and

BE IT FURTHER RESOLVED, that the Superintendent of Public Instruction shall be authorized and directed to inform all school districts, community schools, STEM schools and nonpublic schools of the adoption of these standards to provide such technical assistance and professional development possible to assist in the transition of Ohio’s learning standards in mathematics and English language arts.

It was Moved by Mr. Gunlock and Seconded by Ms. Bruns that the above recommendation (Item 18) be approved.

Ms. Bruns stated she would support the resolution. She noted the rigorous process of having input from the community as well as educators from the state followed by substantial vetting from the comments received. Finally, the revisions conducted by subject matter experts from the field and advisory groups.

Ms. Johnson stated she would support the resolution and asked for clarification regarding copyright issues. Superintendent DeMaria responded there were no copyright issues.

Mrs. Manchester stated she would support the resolution and stated as educators, we should support our teachers, who have shown support for these standards.
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Mrs. McGuire stated she had received mixed reviews from both parents and professionals in the education field and noted minor changes from these standards and those adopted in 2010.

Mrs. Hollister stated these are Ohio standards representing the continuity and consistency that educators and school systems in the state appreciate and need to know what is expected.

Mrs. Haycock stated she would support the resolution and noted the majority of positive comments she had received were from teachers, educators and specialists in their field.

Senator Lehner noted comments from non-educators focused on confusion from testing, new math and confusion with curriculum. She could not recall any complaints regarding the standards that were actually negative. She stated that it is not surprising that were few changes from what was adopted in 2010, because those standards were positive, however they were at the center of political controversy over federal intrusion in education. She stated these standards were carefully reviewed and supported these standards.

Mr. Gunlock spoke in favor of the standards and would support the resolution.

Ms. Fowler stated that based upon her review of the standards, she did not see more than eight differences between the kindergarten and fifth-grade in English language arts. She stated that she had received negative feedback from teachers, parents and community members over the past four-years. She stated she has received over 500 comments to not support anything that is associated with common core. She stated she would not be able to support something that appears to be so substantially aligned.

Ms. Kohler stated she believed these standards provided the clear direction that local districts are looking for and would support the recommendation.

Ms. McGervey acknowledged the work that has been done to develop the standards but stated she would not support the resolution as a matter of principal. She stated she believed the federal government inappropriately intervening in a state matter and using the Race-to-the-Top grant and the non-issuance of a waiver should a state choose to not adopt the standards. She further stated that sometimes things are given up for freedom and but there is a reason for separation of powers.

Mr. Owens stated he believed these standards were not common core and asked that Board members support the resolution.

Mrs. Miranda stated she would support the standards and that we needed to trust educators and their expertise.

Ms. Fowler stated she had concerns that the money concepts were removed from beginning in Kindergarten and in the new revisions they are introduced in second grade. The cursive hand-writing element had been removed completely. She stated these were some examples why it would be positive to revisit the discussion and to take a look at what else is available in our state. We need to create a stable system that teachers and students can have a consistent expectation with flexibility at the local level to be able to course-correct.

Mrs. Woods stated the revisions are still very much aligned with Common Core and believed many educators stated support for the standards due to fear of more changes.

Mrs. Elshoff stated she had reflected on the work done to develop the standards and the opportunity for feedback throughout the process. She thanked staff for their hard work and fully supported the adoption of the standards.

President Elshoff called for a roll call vote.

YES VOTES
President Elshoff presented the following recommendation (Item 19):

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

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

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

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

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

A parent has appealed from the decision of the superintend of Huron City Schools 'to refuse to grant written consent for the student’s participation based upon the student's failure to notify the school of intent to participate by April 1, 2016; and

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

RESOLVED that the State Board of Education hereby grants the student’s right to participate in the program despite the student’s failure to notify the district of her intention to participate by April 1, 2016, finding that the delay should not prevent the student from participating, and that questions concerning the student’s prospective participation in college credit plus program based upon failure to comply with the April 1 deadline should be resolved in favor of the student; and Be It

FURTHER RESOLVED that the Superintendent of Public Instruction be, and he hereby is, directed to notify the superintend of Huron City Schools, and the parents of this action.
It was Moved by Mr. Owens and Seconded by Ms. McGervey that the above recommendation (Item 19) be approved.

Mr. Owens spoke in support of the resolution and stated that he believed that if a student wants to participate in the program, they should be allowed to.

Mr. Gunlock spoke in opposition to the resolution and stated the school district acted appropriately in this case.

Ms. Johnson stated she would support the resolution due to the fact she has no knowledge how well the school district promoted and provided notification of the program.

Ms. Bruns stated she would not support the resolution and could not find any obstacles that the parents were not informed of the proper procedures.

Mrs. Haycock stated she would not support the resolution.

President Elshoff called for a roll call vote.

YES VOTES
  Meryl Johnson
  Nick Owens
  Tess Elshoff
  Kathleen McGervey
  Lisa Woods

NO VOTES
  Pat Bruns
  Sarah Fowler
  Linda Haycock
  Laura Kohler
  Charlotte McGuire
  Eric Poklar
  Cathye Flory
  Thomas Gunlock
  Nancy Hollister
  Martha Manchester
  Antoinette Miranda

ABSTAIN
  Rebecca Vazquez-Skillings

Motion denied.

Ms. Fowler requested that as the Department sends communications to districts, they encourage them to be as clear as possible regarding the deadlines for participation.

PUBLIC PARTICIPATION ON NONACTION ITEMS

1) Ms. Vicki Kerman, Board member, Cardington Local Schools. Ms. Kerman spoke to the Board regarding the impact of computer-based testing on district performance scores. Ms. Kerman provided supporting documentation.

2) Ms. Melissa Cropper, President, Ohio Federation of Teachers. Ms. Cropper spoke to the Board regarding the ESSA submission date. Ms. Cropper provided a copy of her testimony.

Non-Resolutions

New Business

Ms. Bruns brought forth three new business items on behalf of Mrs. Dodd and herself: 1) Resolution pertaining to HB49, 2) Resolution in March requiring Board approval of the ESSA plan before the Department and Superintendent DeMaria, and 3) Resolution regarding State Board of Education strategic plan and goal setting.

Mrs. McGuire Moved to adjourn the meeting. Mrs. Flory Seconded the motion.

The President requested a voice vote.

Motion carried.

President Elshoff adjourned the meeting at 1:20 p.m. The next regularly scheduled meeting of the State Board of Education is March 13-14, 2017.

ATTEST:

Tess Elshoff  
President  
State Board of Education

Paolo DeMaria  
Superintendent of Public Instruction

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