

**Minutes of the February 2012 Meeting of the State Board of Education of Ohio**

**STATE BOARD OF EDUCATION OF OHIO**

**MINUTES**

Special Meeting

February 2012

Ohio School for the Deaf

500 Morse Road

Columbus, Ohio 43214

**MEMBERS OF THE STATE BOARD OF EDUCATION**

Angela Thi Bennett  
Michael Collins  
Joe Farmer  
Thomas Gunlock  
Robin C. Hovis  
C. Todd Jones  
Kristen McKinley  
Mary Rose Oakar  
Dennis Shelton  
Bryan C. Williams

Deborah Cain  
Tess Elshoff  
Dannie Greene  
Jeffrey Hardin  
Ann Jacobs  
Kathleen McGervey  
Jeffrey Mims  
Dennis Reardon  
Debe Terhar

**EX OFFICIO MEMBERS**

Senator Peggy Lehner

Representative Gerald Stebelton

**SECRETARY**

Stan W. Heffner  
Superintendent of Public Instruction

Mrs. Cain was absent from the meeting.

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The State Board convened on Sunday, February 12, at the Ohio School for the Deaf in Columbus.

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**Full Board Discussion with State Superintendent Heffner on College and Career Readiness**

Superintendent Heffner discussed with Board members College and Career Readiness.

The Board took a brief recess.

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**Board member iPad Training**

Board members received two hours of iPad training beginning at 4:30 p.m.

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The State Board convened on Monday, February 13, at the Ohio School for the Deaf in Columbus.

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**Chapter 119 Hearing**

February 13, 2012  
8:30 a.m.

Hearing Regarding the Amending, Rescinding and Adoption of Rules

Amending of Rules 3301-89-01, -02, and -03 of the Administrative Code – Transfers of territory.

**MEMBERS PRESENT**

Joe Farmer	Dannie Greene
Thomas Gunlock	C. Todd Jones
Kristen McKinley	Dennis Reardon
Dennis Shelton	Debe Terhar

**MEMBERS ABSENT**

Angela Thi Bennett	Deborah Cain
Michael Collins	Tess Elshoff
Jeffrey Hardin	Robin C. Hovis
Ann Jacobs	Kathleen McGervey
Jeffrey Mims	Mary Rose Oakar
Bryan C. Williams	

NOTE: Mr. Jones and Mr. Reardon entered the room after roll call.

President Terhar stated the Board would proceed with the public hearing on the following rule actions: Amending of Rules 3301-89-01, -02, and -03 of the Administrative Code – Transfers of territory.

The President called on Assistant Attorney General, Rebecca Albers, Attorney General's Office. Ms. Albers called on P.R. Casey, Chief Legal Counsel for the Ohio Department of Education.

Mr. Casey presented the following Board Exhibits:

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

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

Board Exhibit 3 would be true and accurate copies of the rules subject to this hearing that were originally filed with Joint Committee on Agency Rule Review (JCARR), Legislative Service Commission (LSC), and the Secretary of State on January 5, 2012, and subsequently revised on January 12, 2012, in order to change the time noted on the public notice for this hearing.

Mr. Casey explained the rules had been made available to all persons affected by the rules.

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President Terhar stated that testimony would be received, either orally or in writing, for or against, the amendment of the rules that are under consideration. Anyone who wished to testify must complete the registration sheet. All testimony would be limited to no more than five minutes. If additional time is needed, consideration would be given to a reasonable extension. Any written testimony would be marked as Group Exhibit 4.

President Terhar announced that the Board would now receive testimony on the proposed amending of Rules 3301-89-01, -02, and -03 of the Administrative Code regarding the transfer of school district territory, which are being amended pursuant to the requirements of five-year rule review. Proposed changes to the rules would establish that the preference of the residents with school-age children who live in the territory sought to be transferred to another school district shall be considered if evidence establishing that preference is admitted, provided the articulated reasons are not contrary to existing statutes or rules.

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### **PUBLIC TESTIMONY ON THE PROPOSED AMENDING OF RULES 3301-89-01, -02, AND -03 OF THE ADMINISTRATIVE CODE REGARDING THE TRANSFER OF SCHOOL DISTRICT TERRITORY.**

There were no requests.

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

The President stated that the exhibits were so received. As there was no more testimony, she declared the public hearing closed at 8:40 a.m.

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The Board's Executive Committee met beginning at 9 a.m.

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

The Board took a brief recess.

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### **Recognition – Blue Ribbon Schools**

**Presenters:** Debe Terhar, State Board President, Stan Heffner, State Superintendent and Sandra Brasington, Western Regional Liaison for Governor John R. Kasich

The State Board of Education recognized Ohio's 18 schools that have been selected as 2011 No Child Left Behind Blue Ribbon Schools. Being named a Blue Ribbon School identifies a building as being among the top-performing schools in both the state and the nation. Schools that earn the distinction of being "Blue Ribbon" schools become models for other schools to follow.

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

The following schools were recognized:

- St. Columban, Loveland (Clermont County);
- Putnam Elementary School, Blanchester Local (Clinton County);
- Citizens Academy, Sponsor: Cleveland Metropolitan School District (Cuyahoga County);
- Kensington Intermediate Elementary School, Rocky River City Schools (Cuyahoga County);
- Saint Angela Merici School, Fairview Park (Cuyahoga County);
- St. Joan of Arc School, Chagrin Falls (Cuyahoga County);
- Timmons Elementary School, Kenston Local Schools (Geauga County);
- All Saints School, Cincinnati (Hamilton County);
- South Range High School, South Range Local (Mahoning County);
- West Boulevard Elementary School, Boardman Local (Mahoning County);
- St. Francis Xavier School, Medina (Medina County);
- Cardington-Lincoln Elementary School, Cardington-Lincoln Local (Morrow County);
- Lake Elementary School, Lake Local (Stark County);
- Saint Barnabas Catholic School, Northfield (Summit County);
- Maplewood Elementary School, Maplewood Local (Trumbull County);
- Kings Mills Elementary School, Kings Local (Warren County);
- Springboro High School, Springboro Community City (Warren County);
- Union Elementary School, Upper Sandusky Exempted Village (Wyandot County).

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The State Board recessed for lunch.

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### **Ohio Department of Education Performance Audit Conference**

The State Board participated in a closed performance audit conference (closed session pursuant to ORC 121.22(D) (2)).

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### **Performance Audit Presentation by Auditor of State Dave Yost**

**Auditor of State Staff:** Ernie Knight and Phil Stevens

Auditor of State Dave Yost and members of his staff provided Board members with an update on the ongoing performance audit of the Department of Education.

SB 2 required the Auditor of State to conduct performance audits of all state agencies. The Department of Education is one of the agencies selected for the first round of audits.

The Board took a brief recess.

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

Chair: Debe Terhar, Co-Chair: Tom Gunlock

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

The Committee discussed ideas for the Board's June Retreat.

The Committee discussed the proposed Consent Agreements procedures.

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

Chair: Angela Thi Bennett, Co-Chair: C. Todd Jones

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

**Development of Standards for Fine Art:**

In November 2010, the Department began a multiphase process to review and revise the current Fine Arts Academic Content Standards adopted by the State Board of Education in December 2003. This was in response to the provision in Ohio Amended House Bill 1 that called for the arts standards review following the review of other core subjects. Over the past fourteen months, the Department arts consultant engaged arts educators and other interested constituent groups in revision activities. This past fall, the Department shared the first draft with the statewide *Committee for the Arts and Innovative Thinking (CAIT)* that represents 22 regional and state arts organizations as well as Ohio schools and universities. The Department also submitted each of the four arts drafts to expert arts education reviewers for feedback and recommendations and posted the drafts online from mid-November 2011 through January 2012 for public viewing and input. The next phase of activity involves integrating the feedback received from the online survey and national reviewers to produce a final draft for State Board consideration.

**Development of Standards for World Language:**

In 2010, the Department initiated a multiphase process to revise the current world language standards as mandated by Am. Sub H.B. 1 (2009). These standards, adopted by the State Board of Education in 2003, are based on the nationally acclaimed *Standards for Foreign Language Learning in the 21st Century* authored by the American Council on the Teaching of Foreign Languages (ACTFL) in 1999. The revised *Ohio K-12 World Language Academic Content Standards* compressed the current five standards into two streamlined standards: Communications and Cultures. The revised standards, which have been internationally benchmarked, will continue to honor the tenets of the ACTFL national standards used widely across all 50 states while incorporating research-based trends and best practices from around the globe. The Department has incorporated suggestions and feedback for revision from numerous stakeholders before submitting their first draft to a panel of five nationally renowned world language experts. Currently, the second draft is posted on the Department website for public input. During the winter and early spring of 2012 the Department will work to incorporate all feedback collected from the fall focus group participants and online respondents into a final draft of the Ohio K-12 World Language Academic Content Standards, which tentatively will be presented to the State Board of Education in June 2012 for adoption.

**Development of Standards for Financial Literacy:**

Pursuant to the provision within HB 1 work began to develop academic content standards for Financial Literacy. A Financial Literacy Steering Team was seated in early 2010 to begin drafting content standards. This team of financial education experts came from education, the

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business community, higher education and government. A set of high school level draft Content Statements was first developed to encompass what students should know and be able to do within the area of personal finance. Seven distinct topics (Financial Responsibility/Decision-making, Income and Careers, Planning and Money Management, Consumerism, Investing, Credit/Debt, and Risk Management/Insurance) were identified and supported with a total of 27 specific Content Statements. Initial focus group presentations have begun to various stakeholders focusing primarily upon the high school level information. Once the work on the primary and middle grades is completed, the draft documents will be posted online (March) for public review. Focus group sessions will continue until adoption. Long range plans are to draft a standardized end-of-course assessment based on these new standards that schools can use to measure the financial acuity of their students.

### **Development of Standards for Entrepreneurship:**

The process for developing Entrepreneurship Content Standards began in the fall of 2011 when the State Board of Education created a committee to oversee the implementation of recommendations made by industry partners and classroom instructors in all parts of the state. The committee began to build a common agenda for entrepreneurship education which established specific K-12 standards with a steady progression of development leading to college and career readiness by the end of high school. A draft of standards was presented to numerous stakeholders for suggestions and feedback. Two *Stakeholder Panels* were held in the central Ohio area reaching 16 business and industry consultants, including representatives of the Ohio Chamber of Commerce, and a mix of 30 business and marketing educators, including representatives from the Ohio Marketing Educators Association, Ohio Business and Information Technology Association and the Ohio Business Teachers Association. Educators were asked to review the draft document for competencies that span entrepreneurship concepts. A final draft copy is scheduled to be shared with OBTA, OMEA, OBIT and the Ohio Chamber of Commerce. Additionally, the document will be shared with approximately 100 volunteer business and marketing educators before being presented and posted on-line for comments.

### **Development of Standards for Business Education:**

During the spring of 2010, work began on the development and roll-out of statewide academic content standards for non-career-technical business education standards. The first step in the process was research related to standards in all states and territories as well as other countries. Additionally, all national education standards and industry certification standards related to the subject matter were reviewed. An initial survey of business education teachers was conducted to see what was being offered across the state. At that time, an initial draft was created. Two *Stakeholder Outreach Sessions* were held. The first was a review meeting with businesspeople from all areas of the industry and the second included approximately 30 business education teachers who teach non-career-technical business representing all areas of the standards. Each group reviewed the set of standards and made recommendations for changes. The next step will be to e-mail copies of the latest draft to approximately 100 non-career-technical business education teachers for their review. Simultaneously, the standards will be presented to various business and education groups for their review and posted on the Department website for public comment.

### **Update on Assessments:**

The Committee discussed the current update on assessments, which was an agenda item pushed back from January's Achievement Committee meeting. In November 2011, the State Board of Education approved a resolution for Ohio to serve as a governing State in the Partnership for Assessment of Readiness in College and Careers (PARCC) assessment consortium. The PARCC assessment consortium is comprised of 24 states with approximately 18 serving as governing members. PARCC is committed to designing an online assessment system aligned to the common core state standards in English language arts and mathematics. The assessments will include summative and formative components, performance-based tasks, and a college readiness

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test. Assessment development is currently underway and Department staff has made contributions and participated in governing ship meetings. The Department is also working collaboratively with PARCC/Achieve on Ohio's communications plan for PARCC.

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### BOARD PRESENTATIONS AND DISCUSSION FROM THE CAPACITY COMMITTEE

Chair: Tom Gunlock, Co-Chair: Bryan Williams

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

#### Praxis II Tests and Qualifying Scores:

The Capacity Committee reviewed national performance data for two administrations of six regenerated Praxis II licensure exams, for the purpose of setting Ohio qualifying scores. The tests are for Art Content Knowledge, Technology Education, and four Principles of Learning and Teaching exams. The Committee recommended adoption of the six new tests with the nationally recommended qualifying scores, with the understanding that Ohio licensure candidate performance data would be reviewed by the Board after a year in order to determine if an adjustment to the qualifying scores is necessary. The new tests and associated qualifying scores will become effective September 1, 2012.

#### Ohio Teacher Evaluation System Feedback for Selected Pilot Districts and Schools:

The Capacity Committee heard from representatives of six schools and districts participating in the Ohio Teacher Evaluation System (OTES) pilot. Teachers and administrators from Cincinnati Public Schools, Dayton Early College Academy, Van Wert City Schools, Lion of Judah Academy, and Valley Local Schools presented their perspectives on the OTES components, tools, resources and processes, and responded to questions from Board members and Department staff.

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

Chair: Joe Farmer, Co-Chair: Debbie Cain

Mr. Farmer gave a report from the Select Committee on Urban Education meeting focusing on the following issues:

Mr. P.R. Casey, Chief Legal Counsel, reintroduced Sharon Davies, Professor of Law and new Executive Director of the Kirwan Institute and Steve Menendian, Senior Legal Associate at the Kirwan Institute. The work of the Select Committee is to develop a final guide and procedures to give to school districts to support local diversity efforts. After the January 2012, Mr. Casey sent an email to the Select Committee members to request feedback in preparation for the February 2012 meeting; the comments were submitted to Kirwin.

Mr. Steve Menendian expressed appreciation to the Committee for their oral and written feedback. He began his comments by explaining the relationship between the two documents included in the February Board books. The Diversity Strategies Guidelines (Guidelines), pp. 21-34 is adapted from the full report and designed for local district consideration; the Diversity Strategies Report Final Recommendations 2011 (Report), pp. 35-160 was drafted for State Board consideration, to replace the 1980 policy. Based on Select Committee feedback, Mr. Menendian reviewed the following revisions:

- Kirwin is in the process of drafting a paragraph regarding religious diversity in Ohio as well as challenges and inner-group conflict. Since the Department does not collect student

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data on religions, third party information is being captured for this purpose. This revision will be submitted for review before the March 2012 meeting and will be included in Part II, Section A, of the Guidelines document.

- The degree of prescriptiveness is subject to additional Committee feedback - some of the guidelines are required and others encouraged. Accordingly, activities promoting diversity are encouraged and activities that report data are required.
- Currently, the Guidelines present 11 recommendations while the Report presents 12 recommendations. A “statement of diversity” will become an additional recommendation to the Guidelines to match the Report and to allow LEAs the opportunity to provide a context for the policy and to promote diversity locally.

The Select Committee presented additional comments for consideration. There is a desire for more information regarding lessons and curriculum; not only instructional materials but perhaps the development and implementation of units, course, modules and model lessons. The Resource Clearinghouse referenced in the Guidelines and Report will contain information to support LEAs. Additionally, although Department data reports a small number of Native American students in Ohio’s schools, the goal is global diversity; instructional materials will include Native Americans to promote multicultural fluency.

While the Guidelines create a smaller document for LEA review, it is important to reflect the philosophical, organic need to address diversity, particularly for LEAs perceiving that the need to address diversity work is not relevant. Regardless of student demographics, diversity is critical for all districts. Diversity is not separate from educational success but critical to educational success. Diversity training should not only include teachers, administrators and board members but also students. Likewise, diversity training should not be a separate event but rather embedded in professional development and instruction at all levels, elementary, middle and high. The commitment to address diversity originated from the feedback of teachers, administrators and other local stakeholders; it is important to reconnect with those initiating a commitment to diversity in Ohio’s schools. The discussion concluded with the role of the Department and the financial implications of technical assistance, including a possible resolution to fund the work. The Select Committee was invited to submit additional comments and feedback prior to February 23, 2012 in preparation for the March 2012 meeting.

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

#### Consent Agenda (4); Volume 2

1. **RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO PERMANENTLY REVOKE THE FIVE-YEAR PROFESSIONAL ELEMENTARY TEACHING LICENSE AND THREE-YEAR PUPIL ACTIVITY PERMIT OF DAVID M. OWEN (VOLUME 2, PAGE 1)**
2. **RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO PERMANENTLY REVOKE THE THREE-YEAR PUPIL ACTIVITY PERMIT OF CALVIN J. WILLIAMS (VOLUME 2, PAGE 3)**
3. **RESOLUTION OF INTENT TO CONSIDER CONFIRMATION OF THE LAKE LOCAL SCHOOL DISTRICT’S DETERMINATION OF IMPRACTICAL TRANSPORTATION OF CERTAIN STUDENTS ATTENDING ST. MATTHEW’S SCHOOL IN AKRON,**

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**SUMMIT COUNTY, OHIO (VOLUME 2, PAGE 5)**

4. **RESOLUTION OF INTENT TO CONSIDER CONFIRMATION OF THE WESTERVILLE CITY SCHOOL DISTRICT'S DETERMINATION OF IMPRACTICAL TRANSPORTATION OF CERTAIN STUDENTS ATTENDING ST. MATTHEW CATHOLIC SCHOOL IN GAHANNA, FRANKLIN COUNTY, OHIO (VOLUME 2, PAGE 9)**

Mr. Hardin requested that Items 3 and 4 be pulled from the Consent Agenda for a separate vote.

**Territory Transfers (0); Volume 2**

There are no Territory Transfers in February.

Items 5 through 9 were school personnel resolutions.

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

10. **RESOLUTION TO AMEND RULES 3301-11-01, 3301-11-02, 3301-11-03 AND 3301-11-07 OF THE ADMINISTRATIVE CODE REGARDING THE EDUCATIONAL CHOICE SCHOLARSHIP PILOT PROGRAM (VOLUME 3, PAGE 1) (CAPACITY COMMITTEE)**
11. **RESOLUTION TO AMEND RULE 3301-24-18 OF THE ADMINISTRATIVE CODE ENTITLED RESIDENT EDUCATOR LICENSE (VOLUME 3, PAGE 15) (CAPACITY COMMITTEE)**
12. **RESOLUTION TO ADOPT RULES 3301-101-01 TO 3301-101-13 OF THE ADMINISTRATIVE CODE REGARDING THE JON PETERSON SPECIAL NEEDS SCHOLARSHIP PROGRAM (VOLUME 3, PAGE 25) (CAPACITY COMMITTEE)**

**Miscellaneous Resolutions/Motions (0); Volume 4**

There are no Miscellaneous Resolutions in February.

**Items for Consideration for Next Month**

There were no Items for Consideration for Next Month.

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President Terhar convened the Business Meeting of the State Board of Education on Monday, February 13, at 3 p.m.

President Terhar asked the Recording Secretary to call the roll.

MEMBERS PRESENT  
Angela Thi Bennett

Michael Collins

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Tess Elshoff  
Dannie Greene  
Jeffrey Hardin  
Ann Jacobs  
Kathleen McGervey  
Jeffrey Mims  
Dennis Reardon  
Debe Terhar

Joe Farmer  
Thomas Gunlock  
Robin C. Hovis  
C. Todd Jones  
Kristen McKinley  
Mary Rose Oakar  
Dennis Shelton

EX OFFICIO MEMBERS  
Senator Peggy Lehner

Representative Gerald Stebelton

MEMBERS ABSENT  
Deborah Cain

Bryan C. Williams

EX OFFICIO MEMBERS ABSENT  
Senator Peggy Lehner

Representative Gerald Stebelton

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

Mr. Reardon Seconded the motion.

The President called for a roll call vote.

**YES VOTES**

Angela Thi Bennett  
Tess Elshoff  
Dannie Greene  
Jeffrey Hardin  
Ann Jacobs  
Kathleen McGervey  
Jeffrey Mims  
Dennis Reardon  
Debe Terhar

Michael Collins  
Joe Farmer  
Thomas Gunlock  
Robin C. Hovis  
C. Todd Jones  
Kristen McKinley  
Mary Rose Oakar  
Dennis Shelton

Motion carried.

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

The Board recessed from Executive Session at 4 p.m.

President Terhar recessed the State Board Business meeting at 4 p.m.

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President Terhar recessed the Board meeting at 4 p.m.

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Following the Board meeting, the Board's Legislative and Budget Committee met.

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President Terhar reconvened the meeting of the State Board of Education on Tuesday, February 14, at 8:30 a.m.

Beginning at 8:30 a.m., the Board's Ohio State School for the Blind and Ohio School for the Deaf Governance Task Force, the Policy and Procedures Task Force and the Superintendent Evaluation Task Force met.

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### **Full Board Presentation on Cleveland Metropolitan School District Proposal**

Presenter: Eric Gordon, CEO, Cleveland Metropolitan School District

#### **Cleveland's Plan for Transforming Schools:**

Reinventing public education in our city and serving as a model of innovation for the state of Ohio

#### **Executive Summary:**

The goal of this plan is to ensure that every child in Cleveland attends a high-quality school and that every neighborhood has a multitude of great schools from which families can choose. To reach this goal, Cleveland must transition from a traditional, single-source school district to a new system of district and charter schools that are held to the highest standards and work in partnership to create dramatic student achievement gains for every child. The plan is built upon growing the number of excellent schools in Cleveland, regardless of provider, and giving these schools autonomy over staff and budgets in exchange for high accountability for performance. It aims to create an environment that empowers and values principals and teachers as professionals and makes certain that our students are held to the highest expectations.

This plan is driven by a fierce sense of urgency. The intensity of global competition demands that students in Cleveland build the knowledge, skills and attributes that position them to be successful and competitive in the 21st century global economy. The future must include many different kinds of schools that give children and their parents choices from an array of innovative options. Fundamentally, schools in Cleveland must break the one-size-fits-all premise of today's education system.

This plan recognizes that public education in Cleveland is at a crossroads. Recent reform efforts undertaken by the Cleveland Metropolitan School District (CMSD) and its partners have generated positive results for some students. The number of high performing district and charter schools in Cleveland has grown from 14 in 2006 to 37 in 2011, enrolling more than 11,400 students. And the district now offers a more diverse set of options for students and families than ever before, including 13 new schools opened since 2006. However, the pace of change is not fast enough, nor deep enough to overcome the challenges facing the district. We have no other option

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but to reinvent our school system, as unacceptable academic performance, declining enrollment and an untenable financial situation threaten the very existence of public education in the city.

Cleveland's Plan for Transforming Schools is grounded in an emerging national approach known as the "portfolio strategy," which is showing promising results in cities such as Baltimore, Denver and New York. It has four major components:

- Grow the number of high-performing district and charter schools in Cleveland and close and replace failing schools
- Focus district's central office on key support and governance roles and transfer authority and resources to schools
- Create the Cleveland Transformation Alliance to ensure accountability for all public schools in the city
- Invest and phase in high-leverage system reforms across all schools from preschool to college and career.

### **Grow the Number of High-Performing District and Charter Schools in Cleveland:**

The principal focus of this work is to significantly increase the number of high-performing schools while reducing and eventually eliminating low-performing schools. To do this, the district will employ four distinct strategies. (1) Promote, expand, and replicate existing high-performing district and charter schools. Great schools, measured by a consistent standard of quality, will have full autonomy over school budgets, staff selection and assignment, academic and student support programs, school calendar and school schedules in exchange for high accountability standards and access to financial and other resources. (2) Start new schools. Cleveland will attract the best national education models to our city, invent our own schools that are unique to Cleveland and encourage local community partners and Cleveland teachers to co-create new and innovative school models. (3) Refocus and strengthen mid-performing schools. For those schools that meet minimum state standards and have some critical academic and social conditions in place, the district will employ precise, customized and differentiated interventions and investments and grant some levels of autonomy. (4) Repurpose and address low-performing schools. The lowest performing schools will be targeted for immediate and dramatic action, including closure and reassignment of students to better schools, closure and start-up of a new school, phase in of a new program and phase out of the old, or turning the school over to a capable charter operator.

### **Focus District's Central Office on Key Roles and Transfer Authority and Resources to Schools:**

Organizational roles and relationships will change in three fundamental ways. The primary roles of central office will be to oversee the portfolio of schools to ensure continuous improvement, provide system coordination for essential functions (enrollment, data systems, etc.) and provide some targeted services directly to schools. Secondly, schools will be given varying levels of autonomy based on their level of performance and will be accountable for delivering an excellent education. All schools will have to abide by certain state and federal requirements, such as state testing and serving students with disabilities and English language learners, among others. Finally, the district will shift to a weighted per-pupil funding system for all schools and transfer a majority of spending control to schools based on the number and needs of the students they enroll. This will include the transfer of some locally generated tax revenues to high-performing charter schools that are sponsored by or have agreements with the district.

### **Invest and Phase in High-Leverage System Reforms Across all Schools:**

Beyond the investments in this new, performance-based system of schools, Cleveland will invest in several fundamental building blocks upon which this plan must be built: high quality preschool education, college and workforce readiness, year-round calendar, talent recruitment

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and capacity building, academic technology enhancement, and support for high-quality charter schools.

### **Create the Cleveland Transformation Alliance to Ensure Accountability for all Public Schools:**

The Cleveland Transformation Alliance, a public-private partnership with representatives from the district, the charter sector and the community, will be charged with ensuring the growth of the portfolio of high-performing district and charter schools in Cleveland. It will assume the following unique roles: ensure fidelity to the citywide education plan, assess the quality of all Cleveland schools, communicate to parents about quality school choices and serve as a watchdog for charter sector growth in Cleveland.

Cleveland's plan requires the right policy conditions, including necessary changes in state policy, a fresh start in labor-management agreements and relationships, and a financial sustainability plan. The long-term survival of the district is dependent upon the interwoven elements outlined in this plan.

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President Terhar reconvened the Business meeting of the State Board of Education on Tuesday, February 14, at 11:30 a.m.

President Terhar asked the Recording Secretary to call the roll.

#### MEMBERS PRESENT

Angela Thi Bennett	Michael Collins
Tess Elshoff	Joe Farmer
Dannie Greene	Thomas Gunlock
Jeffrey Hardin	Robin C. Hovis
Ann Jacobs	C. Todd Jones
Kathleen McGervey	Kristen McKinley
Jeffrey Mims	Mary Rose Oakar
Dennis Reardon	Dennis Shelton
Debe Terhar	

#### EX OFFICIO MEMBERS

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

Deborah Cain	Bryan C. Williams
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The President called on Mr. Farmer, who welcomed Board members and guests, and led the Board in the Pledge of Allegiance.

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President Terhar called for the approval of the Minutes of the January 2012 meeting. She asked if there were any corrections to the Minutes.

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There were no corrections.

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

Motion carried unanimously.

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

Chair: C. Todd Jones, Co-Chair: Jeff Hardin

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

- At this month's meeting the committee had a discussion regarding foundation versus non-foundation funding line items
  - Emily Gephart walked committee members through the foundation vs. non-foundation funding matrix which is located in Volume 5 of this month's Board books
  - One member was interested in the allocation of unused funds in terms of pupil transportation and if they could be used elsewhere for district needs. Department staff provided an explanation regarding flexibility of such funds. The committee chair also reminded members of the intent and purpose of funding activities as they relate to the Department's purview.
- Following the foundation funding discussion, Kelly Weir summarized the purpose of the policy discussions with committee members. The practice of the Board previously was for committee members to engage in information sessions with Department staff, however now those sessions are being replaced with policy discussions focused on specific program areas. These discussions will aid in making committee members more familiar and aware of funding programs at the Department.
  - Stephanie Siddens led the policy discussion on early childhood education and provided a brief overview of the function and services provided by the Office of Early Learning and School Readiness.
- Following the policy discussion, Kelly provided a state legislative update on HB 428, which outlines a procedure for due process for individuals receiving letters of admonishment. The bill has had no hearings and the sponsoring legislator has been working alongside the Department on aspects of the bill.
- Jennifer Hogue summarized HB 255, which pertains to offerings of school breakfast programs by school districts and community schools.

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### BOARD PRESENTATIONS AND DISCUSSION FROM THE OHIO STATE SCHOOL FOR THE BLIND AND OHIO SCHOOL FOR THE DEAF GOVERNANCE TASK FORCE

Chair: Dannie Greene

Mr. Greene gave a report from the Ohio State School for the Blind and Ohio School for the Deaf Task Force meeting focusing on the following issues:

The Task Force discussed governance of both the Ohio State School for the Blind and Ohio School for the Deaf.

The Task Force proposed the State Board visit both schools.

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**BOARD PRESENTATIONS AND DISCUSSION FROM THE POLICY AND PROCEDURES TASK FORCE**

Chair: Rob Hovis

Mr. Hovis gave a report from the Policy and Procedures Task Force meeting focusing on the following issues:

The Task Force received an update on inputs that have been collected from Department staff and Board members. Department staff will prepare a draft for the March meeting incorporating suggested changes, which the Task Force will then consider.

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**BOARD PRESENTATIONS AND DISCUSSION FROM THE SUPERINTENDENT EVALUATION TASK FORCE**

Chair: Dennis Reardon

Mr. Reardon gave a report from the Superintendent Evaluation Task Force meeting focusing on the following issues:

The Task Force will finalize the agreement of deliverables and will forward a recommendation to the full Board for approval.

The Task Force anticipates adoption of a final draft at the April meeting.

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**PUBLIC PARTICIPATION ON ACTION ITEMS**

There was no Public Participation on Action Items.

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The State Board recessed for lunch.

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**PUBLIC PARTICIPATION ON NONACTION ITEMS**

- 1) Ann Sheldon and Colleen Grady, Ohio Association of Gifted Children (OAGC). Ms. Sheldon and Mrs. Grady spoke to the Board regarding the ESEA Waiver.
- 2) Eric Price, Quality Dayton. Mr. Price spoke to the Board regarding Science and Civics standards and treaty compliance.
- 3) Dr. Jim Broyles, President Elect, Ohio Psychological Association. Mr. Broyles spoke to the Board regarding bullying.

This concludes Public Participation on Nonaction Items.

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President Terhar called on Superintendent Heffner for his report.

Superintendent Heffner discussed with Board members the eTech of Ohio Educational Technology Conference College and the Fordham Foundation meeting regarding Common Core standards and their implementation. Superintendent Heffner also provided Board members with an update on the ESEA Waiver process.

This concludes the Superintendent's report.

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

President Terhar announced Items 3 and 4 will be pulled from the Consent Agenda and voted on separately.

President Terhar presented the following recommendations (Items 1-2) on the Consent Agenda:

1. **RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO PERMANENTLY REVOKE THE FIVE-YEAR PROFESSIONAL ELEMENTARY TEACHING LICENSE AND THREE-YEAR PUPIL ACTIVITY PERMIT OF DAVID M. OWEN**

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

WHEREAS David M. Owen holds a five-year professional elementary teaching license issued in 2011 and three-year pupil activity permit issued in 2009; and

WHEREAS on January 17, 2012, the Ohio Department of Education received a voluntary surrender form from David M. Owen, which authorizes the State Board to enter an order permanently revoking his five-year professional elementary teaching license issued in 2011 and three-year pupil activity permit issued in 2009 based upon allegations that Mr. Owen engaged in inappropriate communications with a student; and

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

WHEREAS David M. Owen has waived his right to a hearing and authorizes the State Board of Education to enter an order permanently revoking his five-year professional elementary teaching license issued in 2011 and three-year pupil activity permit issued in 2009: 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** David M. Owen's five-year professional elementary teaching license issued in 2011 and three-year pupil activity permit issued in 2009 based upon allegations that Mr. Owen engaged in inappropriate communications with a student. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-

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22(A)(2)(b), orders David M. Owen be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It

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

**2. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO PERMANENTLY REVOKE THE THREE-YEAR PUPIL ACTIVITY PERMIT OF CALVIN J. WILLIAMS**

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

WHEREAS Calvin J. Williams holds a three-year pupil activity permit issued in 2009; and

WHEREAS on January 9, 2012, the Ohio Department of Education received a voluntary surrender form from Calvin J. Williams, which authorizes the State Board to enter an order permanently revoking his three-year pupil activity permit issued in 2009 based upon allegations that Mr. Williams engaged in inappropriate communications with a student; and

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

WHEREAS Calvin J. Williams 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: 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** Calvin J. Williams' three-year pupil activity permit based upon allegations that Mr. Williams engaged in inappropriate communications with a student. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Calvin J. Williams be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It

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

It was Moved by Dr. Shelton and Seconded by Mr. Mims that the Consent Agenda (Items 1-2) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett  
Tess Elshoff  
Dannie Greene  
Robin C. Hovis  
C. Todd Jones

Michael Collins  
Joe Farmer  
Jeffrey Hardin  
Ann Jacobs  
Kathleen McGervey

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Kristen McKinley  
Mary Rose Oakar  
Dennis Shelton  
Bryan C. Williams

Jeffrey Mims  
Dennis Reardon  
Debe Terhar

Motion carried.

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President Terhar presented the following recommendation (Item 3):

**3. RESOLUTION OF INTENT TO CONSIDER CONFIRMATION OF THE LAKE LOCAL SCHOOL DISTRICT'S DETERMINATION OF IMPRACTICAL TRANSPORTATION OF CERTAIN STUDENTS ATTENDING ST. MATTHEW'S SCHOOL IN AKRON, SUMMIT COUNTY, OHIO**

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

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

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

WHEREAS in compliance with procedures adopted by the State Board of Education on July 12, 1982, regarding payment in lieu of transportation, the Lake Local School District has requested that the State Board of Education confirm the school district's determination that it is impractical to transport certain students to St. Matthew's School in Summit County, Ohio; Therefore, Be It

**RESOLVED**, that the State Board of Education does hereby declare its intent to consider the request of the Lake Local School District Board of Education to declare transportation of certain students attending St. Matthew's School to be impractical, and to notify said district and other affected parties of their opportunity for a hearing, pursuant to Chapter 119 of the Ohio Revised Code; and, Be It

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

It was Moved by Dr. Shelton and Seconded by Ms. Jacobs that the above recommendation (Item 3) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett

Michael Collins

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Tess Elshoff  
Dannie Greene  
Robin C. Hovis  
C. Todd Jones  
Kristen McKinley  
Mary Rose Oakar  
Dennis Shelton  
Bryan C. Williams

Joe Farmer  
Thomas Gunlock  
Ann Jacobs  
Kathleen McGervey  
Jeffrey Mims  
Dennis Reardon  
Debe Terhar

NO VOTES

Jeffrey Hardin

Motion carried.

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President Terhar presented the following recommendation (Item 4):

**4. RESOLUTION OF INTENT TO CONSIDER CONFIRMATION OF THE WESTERVILLE CITY SCHOOL DISTRICT'S DETERMINATION OF IMPRACTICAL TRANSPORTATION OF CERTAIN STUDENTS ATTENDING ST. MATTHEW CATHOLIC SCHOOL IN GAHANNA, FRANKLIN COUNTY, OHIO**

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

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

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

WHEREAS in compliance with procedures adopted by the State Board of Education on July 12, 1982, regarding payment in lieu of transportation, the Westerville City School District has requested that the State Board of Education confirm the school district's determination that it is impractical to transport certain students to St. Matthew Catholic School in Franklin County, Ohio; Therefore, Be It

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

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

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It was Moved by Mr. Reardon and Seconded by Dr. Shelton that the above recommendation (Item 4) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett	Michael Collins
Tess Elshoff	Joe Farmer
Dannie Greene	Thomas Gunlock
Robin C. Hovis	Ann Jacobs
C. Todd Jones	Kathleen McGervey
Kristen McKinley	Jeffrey Mims
Mary Rose Oakar	Dennis Reardon
Dennis Shelton	Debe Terhar
Bryan C. Williams	

**NO VOTES**

Jeffrey Hardin

Motion carried.

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

**5. RESOLUTION TO DENY THE THREE-YEAR PUPIL ACTIVITY PERMIT APPLICATION OF JADE L. EVANS**

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

WHEREAS Jade L. Evans has applied for a three-year pupil activity permit; and

WHEREAS on December 16, 2011, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Jade L. Evans of its intent to deny his application for a three-year pupil activity permit pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(a) and Rule 3301-20-01(E) of the Ohio Administrative Code. The notice was based upon Mr. Evans' 2010 conviction in the Cuyahoga County Common Pleas Court for one felony count of nonsupport of dependents and his failure to disclose his conviction on his pending application; and

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

WHEREAS Jade L. Evans 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, the Notice of the State Board of

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Education's Intended Action and Opportunity for a Hearing and the certified court records from the Cuyahoga County Court of Common Pleas; and

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

WHEREAS Ohio Administrative Code Rule 3301-73-05 authorizes the State Board of Education to suspend, limit, deny, or revoke, as applicable, any licenses held or applied for without holding an administrative hearing if the respondent fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(a) and Rule 3301-20-01(E) of the Ohio Administrative Code, hereby **DENIES** Jade L. Evans' application for a three-year pupil activity permit based upon his 2010 conviction in the Cuyahoga County Common Pleas Court for one felony count of nonsupport of dependents and his failure to disclose his conviction on his pending application. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(a), orders that Jade L. Evans be ineligible to apply for any license issued by the State Board of Education until on or after five years have elapsed from the date he is fully discharged from imprisonment, probation, or parole or his criminal conviction is sealed or expunged, whichever occurs first; and, Be It

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

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

President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett	Michael Collins
Tess Elshoff	Joe Farmer
Dannie Greene	Thomas Gunlock
Jeffrey Hardin	Robin C. Hovis
Ann Jacobs	C. Todd Jones
Kathleen McGervey	Kristen McKinley
Jeffrey Mims	Mary Rose Oakar
Dennis Reardon	Dennis Shelton
Debe Terhar	Bryan C. Williams

Motion carried.

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

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**6. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE THE FIVE-YEAR PROFESSIONAL SPECIAL ALL GRADES TEACHING LICENSE OF JEFFREY GOULD**

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

WHEREAS Jeffrey Gould holds a five-year professional special all grades teaching license issued in 2009; and

WHEREAS on May 14, 2011, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Jeffrey Gould of its intent to determine whether to limit, suspend or revoke his five-year professional special all grades teaching license pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Gould's February 2010 consent agreement with the State Board of Education that resulted from him making inappropriate comments to students during class time and his subsequent violation of the consent agreement in November 2010 by failing to follow all of the terms set forth in his last chance agreement with his employing school district when he screamed at a student and pounded the door of a classroom; and

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

WHEREAS a hearing was held on October 12, 2011; and

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

WHEREAS the hearing officer recommends that Mr. Gould's license be revoked and he be ineligible to reapply for any license issued by the State Board of Education for a period of three years. Further, the hearing officer recommends prior to any reapplication that Mr. Gould pass a fitness to teach evaluation and complete individual counseling to address anger management issues. The hearing officer's recommendation is based upon Mr. Gould's continuing course of conduct, involving bullying and intimidation of students: Therefore, Be It

**RESOLVED**, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Mr. Gould's five-year professional special all grades teaching license based upon his February 2010 consent agreement with the State Board of Education that resulted from him making inappropriate comments to students during class time and his subsequent violation of the consent agreement in November 2010 by failing to follow all of the terms set forth in his last chance agreement with his employing school district when he screamed at a student and pounded the door of a classroom. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a) orders that Jeffrey Gould be ineligible to apply for any license issued by the State Board of Education until on or after February 14, 2015. The State Board also orders Mr. Gould to pass a fitness to teach evaluation by a licensed psychologist approved by the Department of Education and complete individual counseling to address anger management issues prior to any reapplication; and, Be It

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

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

Mr. Jones Moved to Amend the resolution by Substitution. He Moved to make the revocation permanent. Ms. Jacobs seconded the motion. Mr. Jones stated that he believed the serious pattern of intimidation and bullying warranted such a recommendation.

Ms. Oakar pointed out the Mr. Gould had been employed by the school system for 25 years, had prostate cancer and had resigned from the district. She further stated she would not support the motion.

Mr. Hovis stated he would support the amendment. He further stated he had a continuing objection to the Board entering into long and complicated monitoring situations to accommodate teachers who get in trouble.

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

**YES VOTES**

Angela Thi Bennett	Michael Collins
Tess Elshoff	Dannie Greene
Thomas Gunlock	Jeffrey Hardin
Robin C. Hovis	Ann Jacobs
C. Todd Jones	Kathleen McGervey
Jeffrey Mims	Dennis Reardon
Dennis Shelton	Debe Terhar
Bryan C. Williams	

**NO VOTES**

Joe Farmer	Kristen McKinley
Mary Rose Oakar	

Motion carried.

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

**YES VOTES**

Angela Thi Bennett	Michael Collins
Tess Elshoff	Dannie Greene
Thomas Gunlock	Jeffrey Hardin
Robin C. Hovis	Ann Jacobs
C. Todd Jones	Kathleen McGervey
Jeffrey Mims	Dennis Reardon
Dennis Shelton	Debe Terhar
Bryan C. Williams	

**NO VOTES**

Joe Farmer	Kristen McKinley
Mary Rose Oakar	

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Motion carried.

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

**7. RESOLUTION TO DENY THE ONE-YEAR EDUCATIONAL AIDE PERMIT APPLICATION OF THELLAS S. GREGLEY**

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

WHEREAS Thellas S. Gregley has applied for a one-year educational aide permit; and

WHEREAS on November 2, 2011, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Thellas S. Gregley of its intent to deny his application for a one-year educational aide permit pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Gregley's 2011 conviction in the Cleveland Municipal Court for one minor misdemeanor count of misconduct on public transportation, 2011 conviction in a separate case in the Cleveland Municipal Court for one misdemeanor count of open container, 2004 conviction in the Cleveland Municipal Court for one misdemeanor count of open container prohibited, 2001 conviction in the Cleveland Municipal Court for one misdemeanor count of falsification, 2001 conviction in a separate case in the Cleveland Municipal Court for one misdemeanor count of open container prohibited, 1999 conviction in the Euclid Municipal Court for one misdemeanor count of criminal trespassing, and failure to disclose his convictions on his pending application; and

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

WHEREAS Thellas S. Gregley 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, the Notice of the State Board of Education's Intended Action and Opportunity for a Hearing and the certified court records from the Cleveland Municipal Court and Euclid Municipal Court; and

WHEREAS Ohio Administrative Code Rule 3301-73-05 authorizes the State Board of Education to suspend, limit, deny, or revoke, as applicable, any licenses held or applied for without holding an administrative hearing if the respondent fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code: Therefore, Be It

**RESOLVED**, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **DENIES** Thellas S. Gregley's application for a one-year

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educational aide permit based upon his 2011 conviction in the Cleveland Municipal Court for one minor misdemeanor count of misconduct on public transportation, 2011 conviction in a separate case in the Cleveland Municipal Court for one misdemeanor count of open container, 2004 conviction in the Cleveland Municipal Court for one misdemeanor count of open container prohibited, 2001 conviction in the Cleveland Municipal Court for one misdemeanor count of falsification, 2001 conviction in a separate case in the Cleveland Municipal Court for one misdemeanor count of open container prohibited, 1999 conviction in the Euclid Municipal Court for one misdemeanor count of criminal trespassing, and failure to disclose his convictions on his pending application. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(a), orders that Thellas S. Gregley be ineligible to apply for any license issued by the State Board of Education until on or after five years have elapsed from his date of release from probation for his 2011 open container conviction and provided that he has no intervening criminal convictions or instances of unbecoming behavior, he is eligible for licensure pursuant to Rule 3301-20-01 of the Ohio Administrative Code, and he can demonstrate compliance with any educational requirements, the State Board's order, and the criteria set forth in Rule 3301-73-24 of the Ohio Administrative Code; and, Be It

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

It was Moved by Dr. Shelton and Seconded by Mr. Hardin that the above recommendation (Item 7) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett	Michael Collins
Tess Elshoff	Joe Farmer
Dannie Greene	Thomas Gunlock
Jeffrey Hardin	Robin C. Hovis
Ann Jacobs	C. Todd Jones
Kathleen McGervey	Kristen McKinley
Jeffrey Mims	Mary Rose Oakar
Dennis Reardon	Dennis Shelton
Debe Terhar	Bryan C. Williams

Motion carried.

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

- 8. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO PERMANENTLY REVOKE THE FIVE-YEAR PROFESSIONAL ADOLESCENCE TO YOUNG ADULT TEACHING LICENSE OF LUCAS MCMILLEN**

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

WHEREAS Lucas McMillen holds a five-year professional adolescence to young adult teaching license issued in 2009; and

WHEREAS on April 11, 2011, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Lucas McMillen of its intent to determine whether to limit, suspend or revoke his five-year professional adolescence to young adult teaching license pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. McMillen's unbecoming conduct in 2009 when he engaged in an inappropriate relationship with a student, including sending inappropriate text messages to the student and receiving inappropriate photographs of the student; and

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

WHEREAS a hearing was held on November 7, 2011; and

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

WHEREAS the hearing officer recommends that Mr. McMillen's license be revoked and he be permanently ineligible to reapply for any license issued by the State Board of Education. The hearing officer's recommendation is based upon the nature and seriousness of the boundary issues Mr. McMillen demonstrated over an extended period of time, the fact that he did not recognize this was a problem that should be reported to school authorities, and his continued licensure as an educator having a negative impact on the health, safety and welfare of students in the school community: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Mr. McMillen's five-year professional adolescence to young adult teaching license based upon his unbecoming conduct in 2009 when he engaged in an inappropriate relationship with a student, including sending inappropriate text messages to the student and receiving inappropriate photographs of the student. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Lucas McMillen be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It

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

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

President Terhar called for a roll call vote.

YES VOTES

Angela Thi Bennett

Michael Collins

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Tess Elshoff  
Dannie Greene  
Jeffrey Hardin  
Ann Jacobs  
Kathleen McGervey  
Jeffrey Mims  
Dennis Reardon  
Debe Terhar

Joe Farmer  
Thomas Gunlock  
Robin C. Hovis  
C. Todd Jones  
Kristen McKinley  
Mary Rose Oakar  
Dennis Shelton  
Bryan C. Williams

Motion carried.

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

**9. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO DENY THE ONE-YEAR EDUCATIONAL AIDE PERMIT APPLICATION OF TIMOTHY MOORE**

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

WHEREAS Timothy Moore has applied for a one-year educational aide permit; and

WHEREAS on May 3, 2011, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Timothy Moore of its intent to deny his application for a one-year educational aide permit pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(b), and (B)(3) and Rule 3301-20-01(E) of the Ohio Administrative Code. The notice was based upon Mr. Moore's 2008 conviction in the Kenton County Court, Kentucky for one misdemeanor count of assault, 2005 conviction in the Hamilton County Municipal Court for one minor misdemeanor count of disorderly conduct, 2005 conviction in the Hamilton County Municipal Court for one minor misdemeanor count of possession of an open flask, 2004 conviction in the Miamisburg Municipal Court for one misdemeanor count of improper handling of a firearm in a motor vehicle while loaded, 2002 conviction in the Hamilton County Municipal Court for one misdemeanor count of disorderly conduct, 1999 conviction in the Hamilton County Municipal Court for one minor misdemeanor count of possession of an open flask, 1999 conviction in a separate case in the Hamilton County Municipal Court for one minor misdemeanor count of disorderly conduct, and 2005 participation in and completion of a diversion program with the Kenton County Court, Kentucky after being charged with one misdemeanor count of alcohol intoxication in a public place, one misdemeanor count of disorderly conduct, one misdemeanor count of resisting arrest, and one misdemeanor count of terroristic threatening; and

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

WHEREAS a hearing was held on September 23, 2011 and November 14, 2011; and

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

WHEREAS the hearing officer recommends that Mr. Moore's application be denied and he be ineligible to reapply for any license issued by the State Board of Education until five years have elapsed from his date of release from probation for his 2008 conviction and provided that he has no intervening criminal convictions or instances of unbecoming behavior, he is eligible for licensure pursuant to Rule 3301-20-01 of the Ohio Administrative Code, and he can demonstrate compliance with any educational requirements, the State Board's order, and the criteria set forth in Rule 3301-73-24 of the Ohio Administrative Code. The hearing officer's recommendation is based upon Mr. Moore not being eligible for licensure pursuant to Rule 3301-20-01 of the Ohio Administrative Code at this time but he may become eligible for licensure in the future: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(b) and (B)(3) and Rule 3301-20-01(E) of the Ohio Administrative Code, hereby **DENIES** Timothy Moore's application for a one-year educational aide permit based upon his 2008 conviction in the Kenton County Court, Kentucky for one misdemeanor count of assault, 2005 conviction in the Hamilton County Municipal Court for one minor misdemeanor count of disorderly conduct, 2005 conviction in the Hamilton County Municipal Court for one minor misdemeanor count of possession of an open flask, 2004 conviction in the Miamisburg Municipal Court for one misdemeanor count of improper handling of a firearm in a motor vehicle while loaded, 2002 conviction in the Hamilton County Municipal Court for one misdemeanor count of disorderly conduct, 1999 conviction in the Hamilton County Municipal Court for one minor misdemeanor count of possession of an open flask, 1999 conviction in a separate case in the Hamilton County Municipal Court for one minor misdemeanor count of disorderly conduct, and 2005 participation in and completion of a diversion program with the Kenton County Court, Kentucky after being charged with one misdemeanor count of alcohol intoxication in a public place, one misdemeanor count of disorderly conduct, one misdemeanor count of resisting arrest, and one misdemeanor count of terroristic threatening. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(a), orders that Timothy Moore be ineligible to apply for any license issued by the State Board of Education until on or after five years have elapsed from his date of release from probation for his 2008 conviction and provided that he has no intervening criminal convictions or instances of unbecoming behavior, he is eligible for licensure pursuant to Rule 3301-20-01 of the Ohio Administrative Code, and he can demonstrate compliance with any educational requirements, the State Board's order, and the criteria set forth in Rule 3301-73-24 of the Ohio Administrative Code; and, Be It

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

It was Moved by Mr. Reardon and Seconded by Mr. Hardin that the above recommendation (Item 9) be approved.

President Terhar called for a roll call vote.

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**YES VOTES**

Angela Thi Bennett	Michael Collins
Tess Elshoff	Joe Farmer
Dannie Greene	Thomas Gunlock
Jeffrey Hardin	Robin C. Hovis
Ann Jacobs	C. Todd Jones
Kathleen McGervey	Kristen McKinley
Jeffrey Mims	Mary Rose Oakar
Dennis Reardon	Dennis Shelton
Debe Terhar	Bryan C. Williams

Motion carried.

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Mr. Gunlock presented the following recommendation (Item 10):

**10. RESOLUTION TO AMEND RULES 3301-11-01, 3301-11-02, 3301-11- 03 AND 3301-11-07 OF THE ADMINISTRATIVE CODE REGARDING THE EDUCATIONAL CHOICE SCHOLARSHIP PILOT PROGRAM**

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

WHEREAS Section 3310.17 of the Revised Code authorizes the State Board of Education to adopt rules prescribing procedures for the administration of EdChoice, the Ohio educational choice scholarship program; and

WHEREAS Chapter 3301-11 of the Administrative Code prescribes the procedures for designating public school buildings for the EdChoice program; and

WHEREAS House Bill 153 of the 129th General Assembly expanded the designation of public school buildings set forth in Section 3310.02 of the Revised Code to include schools ranked by performance index score in the lowest ten percent; and

WHEREAS the department has determined that Rules 3301-11-01, 3301-11-02, 3301-11-03, and 3301-11-07 of the Administrative Code should be amended in order to align rule content with the expansion of designated public school buildings; and

WHEREAS the proposed amendments to Rules 3301-11-01, 3301-11-02, 3301-11-03, and 3301-11-07 of the Administrative Code were approved by the Capacity Committee during its September 2011 meeting; and

WHEREAS the rules were sent back to the Capacity Committee during the October 2011 business meeting of the State Board of Education for further review and consideration; and

WHEREAS the Capacity Committee, at its November 2011 meeting, voted to recommend adoption of the proposed rule changes to the State Board of Education; and

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WHEREAS the State Board of Education, during its November 2011 meeting, approved a Resolution of Intent to amend Rules 3301-11-01, 3301-11-02, 3301-11-03, and 3301-11-07 of the Administrative Code; and

WHEREAS on November 30, 2011, Rules 3301-11-01, 3301-11-02, 3301-11-03, and 3301-11-07 of the Administrative Code were originally filed with the Joint Committee on Agency Rule Review, Legislative Service Commission, and the Secretary of State; and

WHEREAS on January 9, 2012, the State Board of Education held a public hearing concerning the proposed amending of Rules 3301-11-01, 3301-11-02, 3301-11-03, and 3301-11-07 of the Administrative Code; and

WHEREAS on January 23, 2012, the Joint Committee on Agency Rule Review held a hearing on the proposed rule action during which the committee took no action on the rule: Therefore, Be It

RESOLVED, That the State Board of Education hereby amends Rules 3301-11-01, 3301-11-02, 3301-11-03, and 3301-11-07 of the Administrative Code, which are attached and incorporated herein by this reference; and, Be It

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

It was Moved by Mr. Gunlock that the above recommendation (Item 10) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett	Michael Collins
Tess Elshoff	Joe Farmer
Dannie Greene	Thomas Gunlock
Jeffrey Hardin	Robin C. Hovis
Ann Jacobs	C. Todd Jones
Kathleen McGervey	Kristen McKinley
Jeffrey Mims	Mary Rose Oakar
Dennis Reardon	Dennis Shelton
Debe Terhar	Bryan C. Williams

Motion carried.

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Mr. Gunlock presented the following recommendation (Item 7):

- 11. RESOLUTION TO AMEND RULE 3301-24-18 OF THE ADMINISTRATIVE CODE ENTITLED RESIDENT EDUCATOR LICENSE**

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

WHEREAS House Bill 21 of the 129th General Assembly established in Section 3319.22 of the Revised Code that an applicant for a resident educator license shall either hold a bachelor's degree from an accredited teacher preparation program, or be a participant in the Teach For America program and meet the qualifications specified under Section 3319.227 of the Revised Code; and

WHEREAS House Bill 21 of the 129th General Assembly further established in Section 3319.227 of the Revised Code that the State Board of Education shall issue a resident educator license to each person who is assigned to teach in this state as a participant in the Teach For America program and who meets the conditions specified in statute; and

WHEREAS House Bill 21 of the 129th General Assembly also established in Section 3319.227 of the Revised Code that the State Board of Education shall issue a resident educator license to any applicant who has completed at least two years of teaching in another state as a participant in the Teach For America program and who meets the conditions specified in statute, and furthermore that these applicants shall be credited with having completed two years of Ohio's teacher residency program established under Section 3319.223 of the Revised Code; and

WHEREAS Rule 3301-24-18 of the Administrative Code should be amended to include the Teach For America provisions in HB 21 as aspects of qualification for the resident educator license; and

WHEREAS the Capacity Committee, at its September 2011 meeting, unanimously voted to recommend adoption of the proposed rule changes to the State Board of Education; and

WHEREAS Rule 3301-24-18 of the Administrative Code was sent back to the Capacity Committee during the October 2011 business meeting of the State Board of Education for further review and consideration; and

WHEREAS the Capacity Committee, at its November 2011 meeting, voted to recommend adoption of the proposed rule changes to the State Board of Education; and

WHEREAS during its November 2011 business meeting, the State Board of Education adopted a Resolution of Intent to amend Rule 3301-24-18 of the Administrative Code regarding the resident educator license; and

WHEREAS on November 30, 2011, Rule 3301-24-18 of the Administrative Code was filed with the Joint Committee on Agency Rule Review, Legislative Service Commission, and the Secretary of State; and

WHEREAS on January 9, 2012, the State Board of Education held a public hearing concerning the proposed amending of Rule 3301-24-18 of the Administrative Code; and

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WHEREAS on January 23, 2012, the Joint Committee on Agency Rule Review held a hearing on the proposed rule action during which the committee took no action on the rule: Therefore, Be It

RESOLVED, That the State Board of Education hereby amends Rule 3301-24-18 of the Administrative Code, which is attached to and incorporated herein by this reference; and, Be It

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

It was Moved by Mr. Gunlock that the above recommendation (Item 11) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett  
Tess Elshoff  
Dannie Greene  
Jeffrey Hardin  
Ann Jacobs  
Kathleen McGervey  
Jeffrey Mims  
Dennis Reardon  
Debe Terhar

Michael Collins  
Joe Farmer  
Thomas Gunlock  
Robin C. Hovis  
C. Todd Jones  
Kristen McKinley  
Mary Rose Oakar  
Dennis Shelton  
Bryan C. Williams

Motion carried.

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Mr. Gunlock presented the following recommendation (Item 12):

**12. RESOLUTION TO ADOPT RULES 3301-101-01 TO 3301-101-13 OF THE ADMINISTRATIVE CODE REGARDING THE JON PETERSON SPECIAL NEEDS SCHOLARSHIP PROGRAM**

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

WHEREAS House Bill 153 of the 129<sup>th</sup> General Assembly establishes the Jon Peterson special needs scholarship program, which will provide a scholarship to the parent or other eligible applicant on behalf of a qualified special education child; and

WHEREAS a scholarship shall be used to pay all or part of the tuition and fees for a child to attend a special education program that implements a child's individualized education program and that is operated by an alternate public

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provider or by a registered private provider, and other services agreed to by the provider and eligible applicant that are associated with educating the child; and

WHEREAS Section 3310.64 of the Revised Code requires the State Board of Education to adopt rules prescribing procedures necessary to implement the scholarship program; and

WHEREAS proposed Rules 3301-101-01 to 3301-101-13 of the Administrative Code establish procedures for parents to apply for scholarships, standards for registered private providers, and procedures for registration of private providers; and

WHEREAS during its October 2011 meeting, the Capacity Committee recommended to the full board the proposed adoption of Rules 3301-101-01 to 3301-101-13 of the Administrative Code; and

WHEREAS during its October 2011 meeting, the State Board of Education adopted a Resolution of Intent to adopt Rules 3301-101-01 to 3301-101-13 of the Administrative Code; and

WHEREAS on November 2, 2011, Rules 3301-101-01 to 3301-101-13 of the Administrative Code were originally filed with the Joint Committee on Agency Rule Review, Legislative Service Commission, and the Secretary of State; and

WHEREAS on December 12, 2011, the State Board of Education held a public hearing on the proposed rules during which stakeholders expressed concern over the rules as written; and

WHEREAS during its December 2011 business meeting, the State Board of Education adopted a resolution directing the department to place the rules in "To Be Refiled" status with the Joint Committee on Agency Rule Review and to work with stakeholders to revise the rules for the purpose of bringing the rules back to the State Board of Education during its January 2012 meeting; and

WHEREAS during December 2011 and January 2012, the Department held meetings to gather further stakeholder input; and

WHEREAS during its January 2012 meeting, the Capacity Committee approved proposed revisions to the rules; and

WHEREAS during its January 2012 meeting, the State Board of Education reviewed proposed revisions to the rules and adopted a resolution to refile the proposed revisions to the rules with the Joint Committee on Agency Rule Review; and

WHEREAS on January 12, 2012, the revised rules were refiled with the Joint Committee on Agency Rule, Legislative Service Commission, and the Secretary of State; and

WHEREAS on January 23, 2012, the Joint Committee on Agency Rule Review held a hearing on the proposed revisions to the rules during which the committee took no action on the rules: Therefore, Be It

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RESOLVED, That the State Board of Education hereby adopts Rules 3301-101-01 to 3301-101-13 of the Administrative Code, which are attached and incorporated herein by this reference; and, Be It

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

It was Moved by Mr. Gunlock that the above recommendation (Item 12) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett	Michael Collins
Tess Elshoff	Joe Farmer
Dannie Greene	Thomas Gunlock
Jeffrey Hardin	Robin C. Hovis
Ann Jacobs	C. Todd Jones
Kathleen McGervey	Kristen McKinley
Jeffrey Mims	Mary Rose Oakar
Dennis Reardon	Dennis Shelton
Debe Terhar	Bryan C. Williams

Motion carried.

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**Non-Resolutions**

**Old Business**

Ms. Jacobs thanked Board members for their outpouring of kindness.

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**New Business**

Ms. McKinley thanked students from Horizon Science Academy for attending the Board meeting.

President Terhar announced the topic of a consent agreement will likely come before the Board in March.

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**Miscellaneous Business**

President Terhar announced the possibility of the Board meeting at the Governor's office next month.

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Mr. Mims Moved to adjourn the meeting. Ms. Oakar Seconded the motion.

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The President requested a voice vote.

Motion carried.

President Terhar adjourned the meeting at 2:30 p.m. The next regularly scheduled meeting of the State Board of Education is March 12-13, 2012.

ATTEST:



Debe Terhar  
President  
State Board of Education



Stan W. Heffner  
Superintendent of Public Instruction

Copies of audiotapes of the meetings of the State Board of Education are available at cost upon request by phoning the Ohio Department of Education at (614) 466-4838.

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**Please note:** Copies of the attachments referenced in the Minutes may be obtained by contacting the Office of Board Relations at the Ohio Department of Education at (614) 466-4838.