

Minutes of the March 2012 Meeting of the State Board of Education of Ohio

STATE BOARD OF EDUCATION OF OHIO

MINUTES

Special Meeting

March 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 Stelton

SECRETARY

Stan W. Heffner
Superintendent of Public Instruction

Mr. Hovis was absent from the meeting.

The State Board convened on Monday, March 12, at the Ohio Statehouse.

The State Board of Education had a conversation about education reform with Governor John R. Kasich in his cabinet room. This is the first time in recent memory that the entire Board has met with a sitting governor in the Statehouse and the Board appreciated his invitation to join him.

Governor Kasich conveyed his support for the Board's work and the necessity to build on Ohio's strong educational foundation. There is a mutual agreement by the Governor's Office, State Board of Education and the Ohio Department of Education on the urgency for Ohio to raise performance expectations for students so that they may secure good jobs, advance in their careers and enjoy a quality standard of life after graduating from high school.

Governor Kasich also participated with the Board in recognizing Brian Page, Ohio's Recipient of the 2011 National Educator Award from the Milken Family Foundation. Brian is one of 40 educators nationwide – and the only teacher in our state – to have received the \$25,000 Milken National Educator Award last fall. Since Ohio joined the program in 1992, Milken has named 60 Ohio recipients and awarded 1.5 million in total dollars to these worthy individuals. Brian Page is a business and finance teacher at Reading Junior/Senior High School in Reading City Schools. Among the many merits of his value-oriented instruction, Brian shows students how to set fiscal goals and manage their money.

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Additionally, the Governor joined the Board in its ceremony to recognize the following finalists for the national Presidential Awards for Excellence in Mathematics and Science Teaching:

- Teresa Moon, a mathematics teacher from Crestwood High School in the Crestwood Local School District;
- Karen Cruse, a science teacher from The Summit Country Day School in Cincinnati;
- Tami Fitzgerald, a science teacher from West Muskingum High School in the West Muskingum Local School District;
- Paula Hogan, a science teacher from Lebanon High School in Lebanon City Schools; and
- Carole Morbitzer, a mathematics teacher from Hamilton Township High School in Hamilton Local Schools.

This award program was established in 1983 by the White House, and is the nation's highest honor for mathematics and science teachers. The Presidential Awards program recognizes teachers for their ability to help students make progress in mathematics and science. Awardees serve as models for their colleagues, inspiration to their communities, and leaders in the improvement of mathematics and science education.

Following the recognition ceremony, Board members returned to the Ohio School for the Deaf and recessed for lunch.

The Board's Achievement, Capacity and Select Committee on Urban Education met beginning at 12:30 p.m.

The Board took a brief recess.

The Board's Executive Committee met beginning at 2:15 p.m.

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:

Discuss Extended Standards for Exceptional Children:

The Committee discussed the current development of extended standards for exceptional children. The Department is developing extended standards aligned to both the Common Core and Revised State Standards, to assist teachers responsible for designing instruction for students with significant cognitive disabilities, and to inform the development of an adaptive on-demand performance-based alternate assessment. The extended standards do not replace the standards, but instead offer accommodations. The extended standards are being developed for grade bands K-2, 3-5, 6-8 and High School. Focus groups have been held to review the standards, and the standards have been posted for public review accompanied by a Department online feedback tool. The feedback received is being analyzed and used to inform the final draft of the extended standards. The final draft of the extended standards will be available mid April 2012. Professional development will begin in May with implementation beginning in the fall of 2012.

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Race-to-the-Top Overview:

The Committee discussed Ohio's Race to the Top (RttT) grant work. Ohio was one of 10 states awarded the grant. The grant was designed to support statewide education reform in the following areas:

- Adopting college- and career-ready standards and assessments;
- Using data to measure student growth, and inform instruction;
- Developing, rewarding, and retaining effective teachers and principals; and
- Turning around their lowest-performing schools.

The Department provides resources and regional support to RttT local education agencies, and reports monthly to the USDOE regarding its progress in the key reform areas.

Update on Credit Flexibility:

The Committee discussed Ohio's credit flexibility enacted by Senate Bill 311. The law directed the State Board of Education to allow students to earn units of high school credit by demonstrating subject area competency instead of, or in combination with completing hours of classroom instruction, also known as credit flexibility. Local districts are able to implement and customize credit flexibility as appropriate to their own circumstances. The Department has worked to provide guidance for districts on how to best implement credit flexibility.

BOARD PRESENTATIONS AND DISCUSSION FROM THE CAPACITY COMMITTEE

Chair: Tom Gunlock, Co-Chair: Bryan Williams

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

Update on College-Preparatory Boarding Schools to be established under Chapter 3328 of the Revised Code:

The Committee heard an update on the HB 153 initiative to establish college-preparatory boarding schools under Chapter 3328 of the Revised Code. Pursuant to the law, not later than 60 days after the effective date of the law, the State Board was required to issue a request for proposals from private nonprofit corporations qualified to operate a college-preparatory boarding school- that date was January 30, 2012. There was only one respondent to the RFP- it was the SEED Foundation, an entity that has developed two similar schools, in Washington D.C. and in Baltimore. The Board is required to select an operator by May 28. The plan is to propose the operator at the Capacity Committee meeting in April, and for the State Board to select the operator at its May meeting. Following that, a contract with the operator would be written. The school cannot open prior to August 2013. The State Board is also required to adopt administrative rules prescribing the procedures necessary for the implementation of this initiative. The rules process is scheduled to start with the Capacity Committee in July, and to return to the Capacity Committee in September for approval and recommendation to the full State Board. The State Board is also required to approve the school's Board of Trustees' by-laws.

Expenditure Standards Required by HB 153:

The Committee heard a presentation on Expenditure Standards required by HB 153. The budget bill required the Department to present the new expenditure standards to the State Board by January 1, 2012, and for the Board to adopt a final set of standards no later than June 30, 2012. The standards will determine how to calculate a total "classroom instructional" and total "nonclassroom" expenditure for each school district annually. The calculations will then be used to rank school districts, within groupings of like districts, to be included on each Local Report Card beginning with the August 2012 Local Report Card. The Capacity Committee first heard an overview of the standards requirements in December 2011, and discussed the standards themselves in January 2012. The task before the Capacity Committee this month (March) was to consider and approve the standards, so that they can then be voted on by the full Board in April. Eric Bode, Department Executive Director of Quality School Choice and Funding, indicated that the

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version of the standards being presented this month was more simplified and straightforward than what was presented in December and January. Mr. Bode identified certain issues and concerns from the field including the issue of misleading comparisons and counting adult education expenditures as classroom expenditures. It was agreed that aligning with Federal definitions/categories was preferred. The need for a communication plan/media rollout was also discussed, so that the public understands where this initiative came from, its intent, what it is and what it is not. The Committee voted to recommend to the full State Board the adoption of the Expenditure Standards.

Ohio Administrative Code Rule 3301-51-08, Parentally Placed Nonpublic School Children:

The Committee heard a presentation concerning a proposed rule change to rule 3301-51-08, Parentally Placed Nonpublic School Children. It concerned a minor amendment to this existing rule, in order to provide that Peterson Scholarship children are eligible to participate in IDEA Part B flow through benefits. These benefits are available to all children attending nonpublic schools. The purpose of the amendment is to treat Peterson Scholarship students the same as Autism scholarship students. The Committee voted to recommend to the full State Board the adoption of a resolution of intent in April to amend rule 3301-51-08 as presented.

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:

Update on the Diversity Strategies Guidelines:

Mr. Farmer led the Committee in a review of the latest version of the Diversity Strategies Guidelines. Although pleased with the inclusion of the various religions in Ohio, Mrs. Oakar asked the Kirwan Institute to update the 1999 data regarding the count of refugees settling in Ohio. Additionally, Mr. Allison indicated the need to clearly define audience and terminology – i.e. LEA, districts, community schools, and/or private schools. Mr. P.R. Casey, Chief Legal Counsel, will provide to the Kirwan Institute the standard definition to ensure it is inclusive and consistently referenced throughout the document. With the two (2) aforementioned revisions, the Select Committee on Urban Education voted to pass the Diversity Strategies Guidelines to the Executive Committee.

Mr. Allison and Ms. Thompson reviewed updates and progress of the 2011-2012 Select Committee Work Plan. In April 2012, the Select Committee will conduct their first site visit; the Committee will visit traditional and community schools in Cleveland Metropolitan School District. School visits will continue throughout the year to allow the Committee an on-going perspective of urban education and policy considerations. In preparation for the drafting of the 2012-2013 Select Committee Work Plan, Committee members will invite President Terhar and Vice President Gunlock to review the Committee's current charge and to provide a strategic direction for the continued work of the committee.

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

Written Reports:

1) Update on the Ohio School for the Deaf.

Consent Agenda (5); Volume 2

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President Terhar announced that Items six and seven had been pulled from the Voting Agenda.

1. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO PERMANENTLY REVOKE THE FIVE-YEAR PROFESSIONAL HIGH SCHOOL TEACHING LICENSE AND FIVE-YEAR PROFESSIONAL PRINCIPAL LICENSE OF REBECCA S. BAKER (VOLUME 2, PAGE 1)
2. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER/DENIAL AND TO ENTER AN ORDER TO PERMANENTLY DENY THE ONE-YEAR SUBSTITUTE TEACHING LICENSE APPLICATION OF JOSHUA K. GRACE (VOLUME 2, PAGE 5)
3. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO PERMANENTLY REVOKE THE FIVE-YEAR PROFESSIONAL ADOLESCENCE TO YOUNG ADULT TEACHING LICENSE OF DAVID M. NORTH (VOLUME 2, PAGE 9)
4. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO PERMANENTLY REVOKE THE FIVE-YEAR PROFESSIONAL CAREER TECHNICAL TEACHING LICENSE OF MATTHEW R. WARNER (VOLUME 2, PAGE 13)
5. RESOLUTION OF INTENT TO ADOPT NEW PRAXIS II LICENSURE EXAMS AND QUALIFYING SCORES FOR ART EDUCATION, TECHNOLOGY EDUCATION, AND THE PRINCIPLES OF LEARNING AND TEACHING EXAMS (VOLUME 2, PAGE 17)
6. ~~RESOLUTION OF INTENT TO ADOPT NEW LEGISLATIVE RECOMMENDATIONS FOR PERFORMANCE STANDARDS FOR COMMUNITY SCHOOLS THAT OPERATE DROPOUT PREVENTION AND RECOVERY PROGRAMS (VOLUME 2, PAGE 19)~~
7. ~~RESOLUTION OF INTENT TO ADOPT THE STATE BOARD OF EDUCATION'S DIVERSITY STRATEGIES FOR SUCCESSFUL SCHOOLS POLICY (VOLUME 2, PAGE 21)~~

Territory Transfers (0); Volume 2

There are no Territory Transfers in February.

Items 8 through 10 were school personnel resolutions.

Administrative Rules (1); Volume 3

11. RESOLUTION TO AMEND RULES 3301-89-01 TO 3301-89-03 OF THE ADMINISTRATIVE CODE REGARDING TRANSFERS OF SCHOOL DISTRICT TERRITORY (VOLUME 3, PAGE 170) (CAPACITY COMMITTEE)

Miscellaneous Resolutions/Motions (2); Volume 4

12. MOTION REGARDING 2012-2013 STATE BOARD MEETING DATES (VOLUME 4, PAGE 1) (EXECUTIVE COMMITTEE)
13. RESOLUTION TO GRANT THE PRESIDENT OF THE STATE BOARD OF EDUCATION AUTHORITY TO APPOINT AN ADVISING BOARD MEMBER AND AN ALTERNATE ADVISING BOARD MEMBER TO REVIEW CONSENT AGREEMENTS IN EDUCATOR

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DISCIPLINARY MATTERS (VOLUME 4, PAGE 3) (EXECUTIVE COMMITTEE)

Items for Consideration for Next Month

There were no Items for Consideration for Next Month.

President Terhar convened the Business Meeting of the State Board of Education on Monday, March 12, at 3 p.m.

President Terhar asked the Recording Secretary to call the roll.

MEMBERS PRESENT

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

MEMBERS ABSENT

Robin C. Hovis	Kathleen McGervey
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EX OFFICIO MEMBERS

Senator Peggy Lehner	Representative Gerald Stebelton
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NOTE: Mr. Reardon entered the room after roll call.

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

Dr. Shelton Seconded the motion.

The President called for a roll call vote.

YES VOTES

Angela Thi Bennett	Deborah Cain
Michael Collins	Tess Elshoff
Joe Farmer	Dannie Greene
Thomas Gunlock	Jeffrey Hardin

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Ann Jacobs
Kristen McKinley
Mary Rose Oakar
Dennis Shelton
Bryan C. Williams

C. Todd Jones
Jeffrey Mims
Dennis Reardon
Debe Terhar

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.

Chapter 119 Hearing

March 12, 2012
4 p.m.

Hearing Regarding the Amending, Rescinding and Adoption of Rules

Amending of Rules 3301-83-06, -07, -12 to -14, -19, and -23 of the Administrative Code regarding pupil transportation; and the Amending of Rules 3301-91-01, -04, and -09 of the Administrative Code regarding the school lunch and school breakfast program.

MEMBERS PRESENT

Angela Thi Bennett
Joe Farmer
Thomas Gunlock
C. Todd Jones
Jeffrey Mims
Dennis Reardon
Debe Terhar

Tess Elshoff
Dannie Greene
Ann Jacobs
Kristen McKinley
Mary Rose Oakar
Dennis Shelton
Bryan C. Williams

MEMBERS ABSENT

Deborah Cain
Jeffrey Hardin
Kathleen McGervey

Michael Collins
Robin C. Hovis

NOTE: Mrs. Bennett, Mr. Jones, Mr. Mims and Sr. Shelton 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 3301-83-06, -07, -12 to -14, -19, and -23 of the Administrative Code regarding pupil transportation; and the Amending of Rules 3301-91-01, -04, and -09 of the Administrative Code regarding the school lunch and school breakfast program.

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

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Mr. Casey presented the following Board Exhibits:

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

Board Exhibits 2 and 3 would be a true and accurate copies of the Resolutions of Intent adopted by the State Board of Education declaring its intent to amend the rules subject to this public hearing; and

Board Exhibit 4 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 February 8, 2012.

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

President Terhar stated that testimony would be received, either orally or in writing, for or against, the amendment of the rules that are under consideration. Anyone who wished to testify must complete the registration sheet. All testimony would be limited to no more than five minutes. If additional time is needed, consideration would be given to a reasonable extension. Any written testimony would be marked as Group Exhibit 5.

President Terhar announced that the Board would now receive testimony on the amending of Rules 3301-83-06, -07, -12 to -14, -19, -23 of the Administrative Code regarding pupil transportation, which are being amended pursuant to the requirements of five-year rule review. The proposed changes to the rules would

- Clarify training and other driver qualification requirements;
- Allow individuals with impaired limbs to obtain a waiver;
- Update requirements for drivers requesting insulin dependent waivers;
- Clarify required safety procedures on school buses;
- Clarify school bus stop procedures;
- Raise the reporting limit for accidents and crashes to match the limits set by the Ohio Bureau of Motor Vehicles;
- Limit the use of nonconforming vehicles for pupil transportation; and would
- Limit the authority of the rules in regulating parental transportation.

PUBLIC TESTIMONY ON THE PROPOSED AMENDING OF RULES 3301-83-06, -07, -12 TO -14, -19, -23 OF THE ADMINISTRATIVE CODE REGARDING PUPIL TRANSPORTATION.

There were no requests.

President Terhar announced that the Board would now receive testimony on the amending of Rules 3301-91-01, -04, and -09 of the Administrative Code regarding the school lunch and school breakfast program, which are being amended pursuant to the requirements of five-year rule review. The proposed changes to the rules would

- Clarify eligibility requirements for participating in the school lunch and breakfast programs;
- Clarify that public schools are eligible to receive federal funds participating in the school lunch program; and would
- Clarify that guidance for approving food to be sold in schools also applies to beverages

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PUBLIC TESTIMONY ON THE PROPOSED AMENDING OF RULES 3301-91-01, -04, AND -09 OF THE ADMINISTRATIVE CODE REGARDING THE SCHOOL LUNCH AND SCHOOL BREAKFAST PROGRAM.

There were no requests.

President Terhar called on Ms. Albers, who submitted into evidence State Board Exhibits 1 through 4.

The President stated that the exhibits were so received. As there was no more testimony, she declared the public hearing closed at 4:15 p.m.

President Terhar recessed the Board meeting at 4:15 p.m.

Following the Board meeting, 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.

The Board's Legislative and Budget Committee met beginning at 8 a.m.

President Terhar reconvened the meeting of the State Board of Education on Tuesday, March 13, at 9:30 a.m.

Policy Discussion on ESEA

Superintendent Heffner led this presentation. Highlights from the presentation:

No Child Left Behind (NCLB) 2001:

- Yet to be reauthorized
- States are encouraged to present innovative reforms
- Waiver offers flexibility from rules in exchange for :
 - Higher student achievement, and
 - Greater school accountability
- 11 states now have approved waivers

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Without the Waiver:

Estimated that 90 percent of Ohio's LEA's will not meet Adequate Yearly Process (AYP)

Key Elements of the Proposal:

- AYP replacement
- Reforming SES
- Targeted assistance for low-performing schools
- Cut red tape
- Letter grade report cards

AYP Replacement:

- AYP call for 100 percent proficiency for everyone by 2014-15: not realistic

New Goals:

- Implement more rigorous learning standards
- Cut achievement gaps by half over six years

Reforming SES:

- Greater quality controls for schools for selecting providers

Targeted Assistance for Low-Performing Schools:

New designations:

- Priority: Lowest performing five percent, in addition to SIG schools
- Focus: At least 10 percent of schools with the largest subgroup achievement gap and graduation gap and not making progress

Cut Red Tape:

- Schools freed from some reporting requirements
- Greater flexibility in use of federal funds

Eliminate Current Rating System:

- Excellent with Distinction
- Excellent
- Effective
- Continuous Improvement
- Academic Watch
- Academic Emergency

Eliminate Current Rating System:

- Pending Legislative Action

Letter Grade Ratings:

- Letter grades in four areas:
 - Student performance (Performance Index)
 - Student progress (Value-Added)
 - School/District performance (Percent of indicators met)
 - Gap closing (AYP)
- Overall average grade
- Changes will affect 2011-2012 report card, pending legislative action

Letter Grade Rating Scale:

Letter Grade	Percentage of Measure
A	90-100 percent

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B	80-89 percent
C	70-79 percent
D	60-69 percent
F	0-59 percent

Letter Grade Ratings:

- Student Performance (Performance Index) – How much are students in your district learning
 - This grade is an average of how well the students in your district did on Ohio’s state tests
- District Performance (State Indicators Met) – How effective is your district in helping students learn
 - This grade shows how effective your district is at helping students achieve a year’s worth of growth
- District Contribution to Student Performance (Value-Added) – How effective is your district in helping students learn
 - This grade shows how effectively your district is at helping students achieve a year’s worth of growth
- District Performance Gap (Replaces AYP) – How well does your district do at helping all students achieve, regardless of their backgrounds
 - This grade shows how well your district is doing in narrowing gaps in achievement among students according to socio-economic, racial, ethnic or disability status
- District Overall Grade – This grade is calculated by averaging the grades earned in the four categories listed above, using a traditional A-f scale

Are You Ready?

In 2014-2015, Ohio will begin using a new, more rigorous system for measuring how ready students are for careers and college. By raising our standards, we can help students improve and be better prepared for success.

2011 Letter Grade Ratings:

Current Rating	Actual 2011 Distribution of LEA Ratings	New Overall Letter-Grade	Simulated 2011 Distribution of LEA Letter-Grades
Excellent with Distinction & Excellent	91	A	22
Effective	291	B	406
Continuous Improvement	255	C	195
Academic Watch	133	D	182
Academic Emergency	63	F	99

Timeline:

- Waiver decision in a few months
- Changes would begin in the 2012-2013 school year
- 2011-2012 school year report cards will reflect changes, pending legislative action

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President Terhar reconvened the Business meeting of the State Board of Education on Tuesday, March 13, at 11 a.m.

President Terhar asked the Recording Secretary to call the roll.

MEMBERS PRESENT

Angela Thi Bennett	Deborah Cain
Michael Collins	Tess Elshoff
Joe Farmer	Dannie Greene
Thomas Gunlock	Jeffrey Hardin
Ann Jacobs	C. Todd Jones
Kristen McKinley	Jeffrey Mims
Mary Rose Oakar	Dennis Reardon
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EX OFFICIO MEMBERS

Senator Peggy Lehner	Representative Gerald Stebelton
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MEMBERS ABSENT

Robin C. Hovis	Kathleen McGervey
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NOTE: Mr. Jones and Mr. Mims entered the room after roll call.

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

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

There were no corrections.

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

Motion carried unanimously.

Update on the Ohio School for the Deaf (OSD) and Ohio State School for the Blind (OSSB) Construction Project:

Janet Gordon, Interim Superintendent, Ohio School for the Deaf and Cynthia Johnson, Superintendent, Ohio State School for the Blind and Scott Schaller, Chief Operating Officer, for both OSD and OSSB, led this presentation. Highlight from the presentation:

Construction of New Dorms and New Academic Building:

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History:

The main academic building at the former school for the deaf had been built in 1868 on ten acres of prime downtown property. OSD started with rented buildings at the school's inception in 1829 and built the first permanent structure in 1834 when the student population was still quite small. OSD moved to the Morse Road campus in November, 1953. Teachers were involved in painting their own classrooms that year as they prepared to begin instruction at the Morse Road site. OSD was modeled after the California School for the Deaf with a "ranch style" design of 11 dormitories, a main academic building, a vocational complex, gymnasium, central administration/cafeteria, hospital, and the staff building, where many teachers often had quarters at that time. The buildings were spaced across the new spacious grounds. Top quality materials were scarce following World War II when Ohio's major construction efforts were aimed in developing major thoroughfares. The design, while attractive, created roof leakage problems and heating concerns almost immediately. Nonetheless, the buildings were serviceable for 60 years when repairs and renovations became excessive.

Planning for a New School:

Working in conjunction with the Ohio School Facilities Commission (OSFC), Maddox, NBD, Inc. conducted a facilities improvement and modernization study in June, 2001. A recommendation was made to replace campus facilities based on four factors:

- Using the OSFC "2/3 rule," the cost of modernization for campus building would be close to or in excess of 66% of the cost of new construction;
- The age of the buildings, which required greater expenditures for corrective and preventative maintenance annually;
- the current configuration of space was not conducive to modern educational practices; and
- the current campus arrangement was not conducive to effective security and supervision to protect students from external threats, which would force the school to take extraordinary methods to maintain nominal levels of security

In 2006, OSD and OSSB began planning efforts with the assistance of a project team that included the OSFC, Stead Hammond Paul (architects for schematic design), Berardi Partners (architects for residential design), the Winter Group Special Needs Student (specializing in facilities for special needs populations, and Bovis Lend Lease (construction managers for the schematic design phase. Focus groups were led by Bovis Lend Lease Associates to develop program requirements which were then used to build design components. In addition there were various stakeholder group meetings with alumni, parents, faculty and staff, and community members, as well as input from the Ohio General Assembly, City of Columbus traffic division, the Attorney General's Office, and conservation groups involved with concerns for wildlife and the watershed in the ravine area. Initially the concept was to build the new Ohio School for the Deaf and the Ohio State School for the Deaf on one campus, but this concept was later abandoned in favor of separate facilities on individual campuses, sharing certain Operational activities.

On June 4, 2008, Governor Strickland approved Ohio H.B. 562 which appropriated 37.1 million dollars for construction of the two schools on separate but adjoining properties on the current sites for OSD and OSSB. A ground breaking ceremony was held on May 26, 2009. Initial projections indicated that construction of dormitory and the academic building would begin by October 31, 2009, to be completed by December 31, 2010.

Since 2009, various factors occurred that delayed construction of the dorms and the academic buildings. The former girls' dormitories were demolished in the summer of 2010 to make room for construction of the new dormitories. The area remained untouched for nearly a year. The initial architect was replaced. The initial contact person from the Ohio School Facilities Commission was replaced. The second contact person from OSFC proceeded to bids with a requirement for potential contractors to use prevailing wage, which eventually resulted in bids that were considerably over budget; this second contact person from OSFC was also replaced. By that time, the cost of materials had increased so there were necessary cuts to the designs that reduced classroom size, eliminated a multipurpose/gym/auditorium room, elimination of one of the high school science labs, changing the Culinary Arts area to a Life Skills learning lab, elimination of a special Extended Learning Area,

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moving the Library from a prominent position in the front of the school to a more streamlined location in the middle of the school, and reduced the original eight dorm down to six.

The second bids for the dorms finally allowed for permission to proceed in June, 2010, but the permission to proceed with construction on the new school itself was delayed until very recently (December, 2011). The re-bidding for the school building required a third re-bidding for trade areas (electrical, etc.) before the whole school building proposal could be brought in under budget. In addition, various waivers from the city had to be obtained such as the requirement to build a very expensive “bike path to nowhere” along with a required sidewalk along the Indianola Avenue perimeter, all of which delayed the budgeting and bidding process.

Re-Purposing of Existing Buildings:

The allocated amount for construction of new facilities, split between the schools for construction of new dorms and new academic buildings, was inadequate to fully replace current facilities. Plans were made to maintain certain structures from the 1953 facility to house administrative offices, student health services, the preschool, the evaluation center, the Center for Outreach Services, and the Conference Center. Those existing facilities will require renovation to become re-purposed when the new academic building is finally built. A capital improvement proposal, to be completed in phases between 2013 and 2018, has been submitted for consideration for that purpose with these targets. We have not yet heard if our proposal has been approved or not. Projects include:

- Feasibility Study for Future Building Demolition and Re-Purposing of Existing School
- Fire Lanes for the existing buildings strong enough to support the weight of fire trucks
- School Renovation to replace Student Health Services
- Window Replacement in various buildings
- Air Conditioning the School Building, Preschool and Staff Building
- New Roadway and Parking Lots
- Landscape Completion for the New OSD Campus
- Demolition of Mothballed Buildings

Construction of Dormitories:

The initial preparation of the building site (for both the dormitories and the school building), underground infrastructure, and slab foundations occurred in the summer of 2011. There were initial issues with the drainage of the building site which created concerns with residential area neighbors, although they have since been resolved. Construction of the dormitories continued throughout the 2011-12 school year with an anticipated completion date within the next few months. However until inspections occur and we have authorization from the fire department to occupy the buildings, students won't move in until school resumes for the 2012-13 school year. We have a one year period of time, once final inspections occur, regardless whether or not students take residence immediately, to develop a “punch list” of areas that need re-visiting and to have the repairs completed. The boys' and girls' dorms will accommodate 24 elementary students and 72 middle and high school students.

Construction of New Academic (School) Building:

Construction for the new school is due to begin in the spring of 2012. The foundation is in place. We should see rapid progress before students leave on summer break since we are using insulated concrete forms (ICF). If plans proceed on time, the school building should be ready for inspections in the spring of 2013. However, inspections need to occur at that time and we'll need to transfer our current kitchen equipment to the new school before we would be ready for occupancy. Given the time that is required for a physical move (and the potential for unforeseen delays), we might not be able to move into the new school until the summer break of 2013 but it would be in time for the beginning of the 2013-14 school year.

Budget and Funding for the New School/Dorm Projects:

The budgets for both OSD and OSSB's new building projects have been combined through our joint accounting office. Figures are below:

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Total Budget for OSD/OSSB	43,980,000
Academic Buildings	22,693,996
Residential Buildings	7,791,411
Early Site Work	5,154,491
Demolition & Abatement	337,706
Soft costs	7,957,396
Regional Sidewalk and Bikeway Fee	45,000

Because of the length of the project, soft costs have increased significantly.

Costs for construction have increased steadily over time due to inflation.

Source of Funds:

OSSB Cancelled Capital Projects	1,822,063
OSD Cancelled Capital Projects	1,063,735
SFC - New School Planning and Design	4,000,000
SFC - School Building Program Assistance	37,080,000

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:

The Committee received an overview of the President's federal budget. Jeremy Marks walked committee members through the federal budget, highlighting specific aspects of the education portions of the budget. Many of the education programs were level funded.

Scott Bennington and Roger Hardin led committee members through a policy discussion on financial management assistance. Mr. Bennington discussed the three main appropriations (or set-asides) that fund the services the Office provides. He also discussed the processes in which schools are placed on fiscal caution, fiscal watch, and fiscal emergency (only the Auditor of State's Office can certify and make the determination to place a district on fiscal watch or fiscal emergency). Mr. Bennington and Mr. Hardin also discussed components of a performance audit and aspects of the solvency assistance fund. The solvency assistance fund is a rotary fund and is approved by the Controlling Board. Some committee members requested interest in receiving notification from the Department regarding when school districts within their Board district have been identified as in fiscal distress.

Dean Reineke led the policy discussion on the OECN and other data initiatives at the Department. Mr. Reineke provided a brief overview of the program:

- The largest set-aside of this program pertains to building connectivity. The Department is striving to keep the cost down while also adjusting to the steady demand.
- Although there is an attempt to level out the proportion of cost each district pays for connectivity services, there is more of a burden on specific districts (approximately 700). Some districts pay more due to where they are geographically located and what companies provide broadband services in those areas.

Following the policy discussion on the OECN and other data initiatives, Jennifer Hogue provided a state legislative update on HB 462, which pertains to a school district's withholding or transfer to another district or school of the grades and credits of a child who is alleged or adjudicated an abused, neglected, or dependent child. Mr. Jones highlighted the strong leadership behind this bill and the likelihood of it moving quickly

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through the legislature. He favorably urged the committee to support this bill. The Department will look into whether the full Board can institute a policy to have the same standing as the proposed legislation.

Mr. Jones discussed what the Governor highlighted regarding the MBR in his meeting yesterday with Board members. The proposal includes Cleveland's reform plan supported by Mayor Jackson. Mr. Jones recommended that at the next committee meeting (April) the committee move to bring the MBR for emergency consideration of the full Board. Department staff commented that the MBR will likely be segmented into multiple bills and they will work to provide the Board with a bill summary as soon as the legislation is released.

The State Board recessed for lunch.

PUBLIC PARTICIPATION ON NONACTION ITEMS

The Ohio Legal Rights service introduced Helena S., Newark, who related to the Board a personal story of being subjected to seclusion and restraint while attending school.

This concludes Public Participation on Nonaction Items.

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 invited stakeholders to the May meeting of the task force to provide feedback regarding governance of the schools.

The Task Force discussed participating in a tour of the two campuses.

BOARD PRESENTATIONS AND DISCUSSION FROM THE POLICY AND PROCEDURES TASK FORCE

Chair: Rob Hovis

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

The Task Force is reviewing the Policy and Procedures manual at this time and anticipates on presenting its recommendations to the Board in May.

BOARD PRESENTATIONS AND DISCUSSION FROM THE SUPERINTENDENT EVALUATION TASK FORCE

Chair: Dennis Reardon

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

Board members were provided with an update from the Task Force that included principles that guide the design (framework) and implementation of the evaluation process and the process the Board will use to evaluate the Superintendent's performance.

PUBLIC PARTICIPATION ON ACTION ITEMS

There was no Public Participation on Action Items.

President Terhar called on Superintendent Heffner for his report.

Superintendent Heffner spoke to the Board regarding two other areas of the No Child Left Behind (NCLB) waiver the Department is seeking; Alternate Assessments and a waiver regarding the English language learner population.

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

President Terhar reminded Board members that items six and seven had been pulled from the Voting Agenda.

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

- 1. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO PERMANENTLY REVOKE THE FIVE-YEAR PROFESSIONAL HIGH SCHOOL TEACHING LICENSE AND FIVE-YEAR PROFESSIONAL PRINCIPAL LICENSE OF REBECCA S. BAKER**

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

WHEREAS Rebecca S. Baker holds a five-year professional high school teaching license issued in 2011 and five-year professional principal license issued in 2010; and

WHEREAS on February 23, 2012, the Ohio Department of Education received a voluntary surrender form from Rebecca S. Baker, which authorizes the State Board to enter an order permanently revoking her five-year professional high school teaching license issued in 2011 and five-year professional principal license issued in 2010 based upon allegations that she engaged in inappropriate relationships with students; and

WHEREAS the form specifies that Rebecca S. Baker is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

WHEREAS Rebecca S. Baker has waived her right to a hearing and authorizes the State Board of Education to enter an order permanently revoking her five-year professional high school teaching license issued in 2011 and five-year professional principal license issued in 2010; Therefore, Be It

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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** Rebecca S. Baker's five-year professional high school teaching license issued in 2011 and five-year professional principal license issued in 2010 based upon allegations that she engaged in inappropriate relationships with students. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Rebecca S. Baker 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 Ms. Baker of this action.

2. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER/DENIAL AND TO ENTER AN ORDER TO PERMANENTLY DENY THE ONE-YEAR SUBSTITUTE TEACHING LICENSE APPLICATION OF JOSHUA K. GRACE

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

WHEREAS Joshua K. Grace has applied for a one-year substitute teaching license; and

WHEREAS on February 3, 2012, the Ohio Department of Education received a voluntary surrender/denial form from Joshua K. Grace, which authorizes the State Board to enter an order permanently denying his application for a one-year substitute teaching license based upon allegations that he engaged in inappropriate communications with students; and

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

WHEREAS Joshua K. Grace has waived his right to a hearing and authorizes the State Board of Education to enter an order permanently denying his application for a one-year substitute teaching license: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and Ohio Revised Code 3319.311(F), hereby **DENIES** Joshua K. Grace's application for a one-year substitute teaching license based upon allegations that he engaged in inappropriate communications with students. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders Joshua K. Grace 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. Grace of this action.

3. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO PERMANENTLY REVOKE THE FIVE-YEAR PROFESSIONAL ADOLESCENCE TO YOUNG ADULT TEACHING LICENSE OF DAVID M. NORTH

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

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WHEREAS David M. North holds a five-year professional adolescence to young adult teaching license issued in 2007; and

WHEREAS on February 17, 2012, the Ohio Department of Education received a voluntary surrender form from David M. North, which authorizes the State Board to enter an order permanently revoking his five-year professional adolescence to young adult teaching license issued in 2007 based upon his inappropriate interaction with students; and

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

WHEREAS David M. North has waived his right to a hearing and authorizes the State Board of Education to enter an order permanently revoking his five-year professional adolescence to young adult teaching license issued in 2007: 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. North's five-year professional adolescence to young adult teaching license issued in 2007 based upon his inappropriate interaction with students. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders David M. North 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. North of this action.

4. **RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO PERMANENTLY REVOKE THE FIVE-YEAR PROFESSIONAL CAREER TECHNICAL TEACHING LICENSE OF MATTHEW R. WARNER**

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

WHEREAS Matthew R. Warner holds a five-year professional career technical teaching license issued in 2010; and

WHEREAS on February 9, 2012, the Ohio Department of Education received a voluntary surrender form from Matthew R. Warner, which authorizes the State Board to enter an order permanently revoking his five-year professional career technical teaching license issued in 2010 based upon his pending charges in the Lucas County Common Pleas Court for two felony counts of importuning, four felony counts of illegal use of a minor in nudity oriented material, and one felony count of tampering with evidence; and

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

WHEREAS Matthew R. Warner has waived his right to a hearing and authorizes the State Board of Education to enter an order permanently revoking his five-year professional career technical teaching license issued in 2010: 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** Matthew R. Warner's five-year professional career technical teaching license issued in 2010 based upon his pending charges in the Lucas County Common Pleas Court for two felony counts of

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importuning, four felony counts of illegal use of a minor in nudity oriented material, and one felony count of tampering with evidence. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Matthew R. Warner 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. Warner of this action.

5. **RESOLUTION OF INTENT TO ADOPT NEW PRAXIS II LICENSURE EXAMS AND QUALIFYING SCORES FOR ART EDUCATION, TECHNOLOGY EDUCATION, AND THE PRINCIPLES OF LEARNING AND TEACHING EXAMS**

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

WHEREAS Section 3301.07 of the Ohio Revised Code requires the State Board of Education to formulate and prescribe minimum standards for the licensing of teachers, administrators and other professional personnel according to their training and qualifications; and

WHEREAS Section 3319.22 of the Ohio Revised Code requires the State Board of Education to adopt rules establishing the standards and requirements for obtaining educator licenses, and those adopted rules include a requirement that licensure candidates successfully complete examinations prescribed by the State Board of Education; and

WHEREAS Praxis II exams are currently a requirement established by the State Board of Education for obtaining many types of Ohio educator licenses; and

WHEREAS six new regenerated Praxis II exams- Art: Content Knowledge (test #0134), Technology Education (test #0051), Principles of Learning and Teaching Early Childhood (test #0621), Principles of Learning and Teaching grades K-6 (test #0622), Principles of Learning and Teaching grades 5-9 (test #0623), and Principles of Learning and Teaching grades 7-12 (test #0624) were the subject of national standard setting studies and test validations by Educational Testing Service, with participation by Ohio teacher and higher education representatives on each panel, and the standard setting studies resulted in nationally recommended qualifying scores for each of these six exams; and

WHEREAS the Ohio Educator Standards Board, at its October 2011 business meeting, unanimously passed a motion to recommend to the State Board that, for each of the six exams, the State Board adopt the new exams along with pilot qualifying scores of -1 Standard Error of Measurement (-1 SEM) below the nationally recommended qualifying score, in order to collect a year's worth of data regarding the performance of Ohio licensure candidates on the new exams prior to setting official qualifying scores; and

WHEREAS in February 2012 the Ohio Department of Education presented to the Capacity Committee the recommendations of the Ohio Educator Standards Board regarding the adoption of these six exams and associated qualifying scores; and

WHEREAS the Capacity Committee, at its February 2012 meeting, unanimously voted to recommend adoption of these six exams to the State Board of Education, and also recommended that the associated qualifying scores be set at the nationally recommended qualifying scores, rather than at -1 SEM; and

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WHEREAS September 1, 2012 is the proposed effective date for requiring these six new exams and associated qualifying scores for Ohio licensure applicants: Therefore, Be It

RESOLVED, That the State Board of Education hereby declares its intent to adopt Praxis II subject assessment #0134, Art: Content Knowledge, with an associated qualifying score of 158; and subject assessment #0051, Technology Education, with an associated qualifying score of 159; and the Principles of Learning and Teaching Early Childhood exam (#0621) with an associated qualifying score of 157; and the Principles of Learning and Teaching grades K-6 exam (#0622) with an associated qualifying score of 160; and the Principles of Learning and Teaching grades 5-9 exam (#0623) with an associated qualifying score of 160; and the Principles of Learning and Teaching grades 7-12 exam (#0624) with an associated qualifying score of 157, and to make these new exams and qualifying scores a requirement for licensure applicants beginning September 1, 2012.

It was Moved by Mr. Gunlock and Seconded by Mr. Reardon that the Consent Agenda (Items 1-5) be approved.

President Terhar called for a roll call vote.

YES VOTES

Angela Thi Bennett
Michael Collins
Joe Farmer
Thomas Gunlock
Ann Jacobs
Kathleen McGervey
Jeffrey Mims
Dennis Reardon
Debe Terhar

Deborah Cain
Tess Elshoff
Dannie Greene
Jeffrey Hardin
C. Todd Jones
Kristen McKinley
Mary Rose Oakar
Dennis Shelton
Bryan C. Williams

Motion carried.

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

8. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO PERMANENTLY DENY THE ONE-YEAR EDUCATIONAL AIDE PERMIT APPLICATION OF TYE K. FLETCHER

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

WHEREAS Tye K. Fletcher has applied for a one-year educational aide permit; and

WHEREAS on May 24, 2011, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Tye K. Fletcher of its intent to deny her application for a one-year educational aide permit pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Fletcher harassing and verbally threatening a school employee while the employee was on duty in 2009, verbally threatening and physically assaulting the same school employee at a school activity in 2010, and subsequently being found guilty on or about October 21, 2010 in the Dayton Municipal Court of one misdemeanor count of disorderly conduct with violent or turbulent behavior; and

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

WHEREAS a hearing was held on December 13, 2011; and

WHEREAS Ms. Fletcher was not present at the hearing and was not represented by counsel; and

WHEREAS the hearing officer recommends that Ms. Fletcher's application be denied and she be permanently ineligible to apply for any license issued by the State Board of Education. The hearing officer's recommendation is based upon Ms. Fletcher committing criminal acts on school property with the victims being a minor child and a school employee. Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **DENIES** Tye K. Fletcher's application for a one-year educational aide permit based upon her harassing and verbally threatening a school employee while the employee was on duty in 2009, verbally threatening and physically assaulting the same school employee at a school activity in 2010, and subsequently being found guilty on or about October 21, 2010 in the Dayton Municipal Court of one misdemeanor count of disorderly conduct with violent or turbulent behavior. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders Ms. Fletcher 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 Ms. Fletcher of this action.

It was Moved by Mr. Collins and Seconded by Mr. Mims that the above recommendation (Item 8) be approved.

President Terhar called for a roll call vote.

YES VOTES

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

ABSTAIN

Kristen McKinley

Motion carried.

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

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9. RESOLUTION TO DENY THE ONE-YEAR STUDENT MONITOR PERMIT APPLICATION OF KELLIE M. JURY

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

WHEREAS Kellie M. Jury has applied for a one-year student monitor permit; and

WHEREAS on January 3, 2012, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Kellie M. Jury of its intent to deny her application for a one-year student monitor permit pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(b) and Rule 3301-20-01(E) of the Ohio Administrative Code. The notice was based upon Ms. Jury's 2007 conviction in the Parma Municipal Court for one misdemeanor count of disorderly conduct, 2009 conviction in the Parma Municipal Court for one misdemeanor count of disorderly conduct/intoxication and one misdemeanor count of domestic violence, and failure to disclose her convictions on her pending application; and

WHEREAS the notice informed Ms. Jury 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 deny her application for a one-year student monitor permit; and

WHEREAS Kellie M. Jury 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 Parma Municipal Court; and

WHEREAS Ms. Jury is not eligible for licensure by the State Board of Education since she does not meet the rehabilitation criteria established by Rule 3301-20-01 of the Ohio Administrative Code because five-years have not elapsed since her 2009 conviction; 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)(b) and Rule 3301-20-01(E) of the Ohio Administrative Code, hereby **DENIES** Kellie M. Jury's application for a one-year student monitor permit based upon her 2007 conviction in the Parma Municipal Court for one misdemeanor count of disorderly conduct, 2009 conviction in the Parma Municipal Court for one misdemeanor count of disorderly conduct/intoxication and one misdemeanor count of domestic violence, and failure to disclose her convictions on her pending application. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(a), orders that Kellie M. Jury be ineligible to apply for any license issued by the State Board of Education until on or after October 29, 2014, which is five years from the date of her last conviction, or when her 2009 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 Ms. Jury of this action.

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

President Terhar called for a roll call vote.

YES VOTES

Angela Thi Bennett	Deborah Cain
Michael Collins	Tess Elshoff
Joe Farmer	Dannie Greene
Thomas Gunlock	Jeffrey Hardin
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.

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

10. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO PERMANENTLY REVOKE THE FIVE-YEAR PROFESSIONAL COMPREHENSIVE HIGH SCHOOL TEACHING LICENSE OF AARON J. STRATTON

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

WHEREAS Aaron J. Stratton holds a five-year professional comprehensive high school teaching license issued in 2008; and

WHEREAS on March 8, 2011, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Aaron J. Stratton of its intent to determine whether to limit, suspend or revoke his five-year professional comprehensive high school teaching license pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Stratton engaging in conduct unbecoming an educator by hosting a party for senior students at his residence in May 2010 which resulted in a female student remaining at his home after the other students left and him smoking tobacco and marijuana with the student, by hosting a party for senior students at his residence in May 2009 which resulted in him consuming alcohol in the presence of students and some underage students consuming alcohol while at the party, by discussing inappropriate topics with his students, including his divorce, personal feelings towards his ex-wife, references to alcohol and/or drug use, and inappropriate sexual references, and by using a school district computer to access inappropriate websites and images and to download or maintain images of partially nude women and provocative images of women; and

WHEREAS Mr. Stratton did request a hearing regarding the State Board's intent; and

WHEREAS a hearing was held on August 10, 2011, August 12, 2011, and September 8, 2011; and

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

WHEREAS the hearing officer recommends that Mr. Stratton's license be revoked and he be permanently ineligible to apply for any license issued by the State Board of Education. The hearing officer's recommendation is based upon Mr. Stratton's conduct on May 21, 2010 when he hosted a party at his home for senior students, invited a female student to remain at his house after the party, and smoked four "bowls" of marijuana with the student while they were seated in his darkened basement. The hearing officer also found that Mr. Stratton made inappropriate comments in the classroom, but this misconduct only warrants an admonishment and not a suspension or revocation of Mr. Stratton's license; and

WHEREAS the State Board of Education considered the objections to the hearing officer's report and recommendation which Mr. Stratton timely filed: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **ADMONISHES** Aaron J. Stratton for making inappropriate comments in his classroom and **REVOKES** his five-year professional comprehensive high school teaching license based upon him engaging in conduct unbecoming an educator by hosting a party for senior students at his residence in May 2010 which resulted in a female student remaining at his home after the other students left and him smoking marijuana with the student. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Aaron J. Stratton 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. Stratton of this action.

It was Moved by Dr. Shelton and Seconded by Mr. Hardin that the above recommendation (Item 10) be approved.

President Terhar called for a roll call vote.

YES VOTES

Angela Thi Bennett	Deborah Cain
Michael Collins	Tess Elshoff
Joe Farmer	Dannie Greene
Thomas Gunlock	Jeffrey Hardin
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.

Mr. Gunlock presented the following recommendation (Item 11):

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11. RESOLUTION TO AMEND RULES 3301-89-01 TO 3301-89-03 OF THE ADMINISTRATIVE CODE REGARDING TRANSFERS OF SCHOOL DISTRICT TERRITORY

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

WHEREAS Section 3311.06 of the Revised Code authorizes the State Board of Education to adopt rules governing negotiations between districts concerning the transfer of territory following municipal annexation that encourages the realization of the following goals:

A discussion by the negotiating districts of the present and future educational needs of the pupils in each district;

The educational, financial, and territorial stability of each district affected by the transfer; and

The assurance of appropriate educational programs, services, and opportunities for all the pupils in each participating district, and adequate planning for the facilities needed to provide these programs, services, and opportunities; and

WHEREAS Section 3311.24 of the Revised Code authorizes the State Board of Education to approve or disapprove proposed transfers of territory initiated in compliance with the provisions of that section; and

WHEREAS Section 3301.07 of the Revised Code states that the State Board of Education may adopt rules necessary to carry out any function imposed on it by law; and

WHEREAS Rules 3301-89-01 to 3301-89-03 of the Administrative Code govern transfers of territory following municipal annexation pursuant to Section 3311.06 of the Revised Code or a petition for transfer of territory pursuant to Section 3311.24 of the Revised Code; and

WHEREAS Rules 3301-89-01 to 3301-89-03 of the Administrative Code establish general policies, procedures of the State Board of Education and the factors to be considered by the hearing officer regarding transfers of territory pursuant to Sections 3311.06 and 3311.24 of the Revised Code; and

WHEREAS Rules 3301-89-01 to 3301-89-03 of the Administrative Code are proposed to be amended pursuant to the requirements of five-year rule review; and

WHEREAS the proposed amendments to Rules 3301-89-01 to 3301-89-03 of the Administrative Code were reviewed by the Capacity Committee during its November and December 2011 meetings; and

WHEREAS the State Board of Education, during its December 2011 meeting, approved a Resolution of Intent to amend Rules 3301-89-01 to 3301-89-03 of the Administrative Code; and

WHEREAS on January 5, 2012, Rules 3301-89-01 to 3301-89-03 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 February 13, 2012, the State Board of Education held a public hearing concerning the proposed amending of Rules 3301-89-01 to 3301-89-03 of the Administrative Code; and

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WHEREAS on March 8, 2012, the Joint Committee on Agency Rule Review held a hearing on the proposed amending of the rules during which the committee took no action on the rules: Therefore, Be It

RESOLVED, That the State Board of Education hereby amends Rules 3301-89-01 to 3301-89-03 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 to be amended and that the same be made available on request, without charge, to all persons affected by the rules.

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

President Terhar called for a roll call vote.

YES VOTES

Angela Thi Bennett
Michael Collins
Joe Farmer
Thomas Gunlock
Ann Jacobs
Kathleen McGervey
Jeffrey Mims
Dennis Reardon
Debe Terhar

Deborah Cain
Tess Elshoff
Dannie Greene
Jeffrey Hardin
C. Todd Jones
Kristen McKinley
Mary Rose Oakar
Dennis Shelton
Bryan C. Williams

Motion carried.

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

12. MOTION REGARDING 2012-2013 STATE BOARD MEETING DATES

The Executive Committee **MOVES** that the State Board of Education **ADOPT** the following State Board meeting calendar for August 2012 through July 2013.

2012-2013 Meeting Calendar of the State Board of Education

Adopted by the State Board on March 13, 2012

Background

Regular meetings of the State Board of Education are held in January, April, July, and October.

2012-2013 STATE BOARD OF EDUCATION MEETING DATES

August – No Meeting

September 10-11, 2012 (Monday/Tuesday)

October 8-9, 2012 (Monday/Tuesday)

November 12-13, 2012 (Monday/Tuesday)

December 10-11, 2012 (Monday/Tuesday)

January 14-15, 2013 (Monday/Tuesday)

February 11-12, 2013 (Monday/Tuesday)

March 11-12, 2013 (Monday/Tuesday)

April 8-9, 2013 (Monday/Tuesday)

May 13-14, 2013 (Monday/Tuesday)

June 9-11, 2013 (Sunday/Monday/Tuesday)

(State Board retreat and business meeting)

July 8-9, 2013 (Monday/Tuesday)

NOTE: *Meetings may also begin on Sunday.*

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

Joe Farmer

Thomas Gunlock

Ann Jacobs

Kathleen McGervey

Jeffrey Mims

Dennis Reardon

Debe Terhar

Deborah Cain

Tess Elshoff

Dannie Greene

Jeffrey Hardin

C. Todd Jones

Kristen McKinley

Mary Rose Oakar

Dennis Shelton

Bryan C. Williams

Motion carried.

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

- 13. RESOLUTION TO GRANT THE PRESIDENT OF THE STATE BOARD OF EDUCATION AUTHORITY TO APPOINT AN ADVISING BOARD MEMBER AND AN**

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**ALTERNATE ADVISING BOARD MEMBER TO REVIEW CONSENT AGREEMENTS
IN EDUCATOR DISCIPLINARY MATTERS**

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

WHEREAS the Department of Education, pursuant to Section 3319.311 of the Revised Code, is authorized to investigate allegations of misconduct by any person holding licensure or seeking to become licensed by the State Board of Education; and

WHEREAS the State Board of Education, pursuant to Section 3319.31 of the Revised Code, is authorized to suspend, limit, revoke or deny, as applicable, any license held or applied for based upon the results of an investigation; and

WHEREAS a disciplinary matter can be resolved through a consent agreement between the applicant or licensed educator and the State Board of Education in accordance with Section 3319.311(E) of the Revised Code; and

WHEREAS Consent Agreements are entered into in lieu of the parties participating in an administrative hearing under Chapter 119. of the Revised Code; and

WHEREAS the President of the State Board of Education shall be granted the authority to appoint a board member to serve as an Advising Board Member and a board member to serve as an Alternate Advising Board Member to review consent agreements: Therefore, Be It

RESOLVED, That the President of the State Board of Education shall have the authority to appoint a board member to serve as an Advising Board Member and a board member to serve as an Alternate Advising Board Member to review consent agreements.

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

Mr. Reardon reviewed with Board members the highlighted portions of the proposed Consent Agreement procedures that had been provided to Board members.

Mrs. Cain stated that she concurred with the changes brought forth by Mr. Reardon.

President Terhar called for a roll call vote.

YES VOTES

Angela Thi Bennett	Deborah Cain
Michael Collins	Tess Elshoff
Joe Farmer	Dannie Greene
Thomas Gunlock	Jeffrey Hardin
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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President Terhar presented the following recommendation (Item 14):

14. A RESOLUTION EXPRESSING CONDOLENCES TO THE SCHOOL COMMUNITIES OF CHARDON AND AUBURN CAREER CENTER FOR THE TRAGEDY ON FEBRUARY 27, 2012

WHEREAS, a horrific tragedy occurred at Chardon High School on February 27, 2012, resulting in the loss of life of students Daniel Parmertor, Demetrius Hewlin and Russell King Jr. and injuries sustained by two other students; and

WHEREAS, State Board of Education of Ohio leadership, and the state superintendent and deputy superintendent of public instruction traveled to Chardon on February 28, 2012 to attend a community vigil, and meet with and offer support to school officials of Chardon Local Schools and Auburn Career Center; and

WHEREAS, on behalf of all State Board members, the president of the State Board of Education of Ohio sent a letter of condolence to the president of the Board of Education of Chardon Local Schools; and

WHEREAS, The State Board of Education of Ohio observed a moment of silence at its business meeting on March 13, 2012 to honor the victims and to recognize the extraordinary sense of community as students, their parents and teachers and all local citizens began the healing process; and

WHEREAS, Chardon Superintendent Joseph Bergant, Chardon High staff Frank Hall and Joseph Ricci, area law enforcement and first responders, and Auburn Superintendent Margaret Lynch, are to be commended for their quick response to the situation the morning of February 27, 2012; and

WHEREAS, this incident should also be a reminder for local education agencies across the state of Ohio to review and practice their school safety plans: Therefore, Be It

RESOLVED, That the members of the State Board of Education express their sincerest condolences and sympathy to the Parmertor, King and Hewlin families, the students, parents, administration, faculty, and staff of the Chardon Local Schools and Auburn Career Center, as well as members of the Chardon Local Schools and Auburn Career Center Boards of Education; and Be It Further

RESOLVED, That the State Board of Education of Ohio director of board relations transmit duly authenticated copies of this Resolution to the School Boards of Chardon Local Schools and Auburn Career Center.

It was Moved by Mrs. Cain and Seconded by Mr. Greene that the above recommendation (Item 14) be approved.

President Terhar called for a voice vote.

Motion carried.

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Non-Resolutions
Miscellaneous Business

Mrs. Cain spoke about the retirement of Barbara Carter, who is retiring after 57 years of teaching second grade at Toronto City Schools.

Mr. Mims spoke to the Board about attending the Ohio Alliance for Arts Education board directors meeting.



Mr. Collins Moved to adjourn the meeting. Mrs. Elshoff Seconded the motion.

The President requested a voice vote.

Motion carried.

President Terhar adjourned the meeting at 3 p.m. The next regularly scheduled meeting of the State Board of Education is April 9-10, 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.

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.