

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

STATE BOARD OF EDUCATION OF OHIO

MINUTES

October 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

Ann Jacobs

Kathleen McGervey

Jeffrey Mims

Debe Terhar

Deborah Cain

Tess Elshoff

Dannie Greene

Jeffrey Hardin

Stanley Jackson

C. Todd Jones

Kristen McKinley

Mary Rose Oakar

Bryan C. Williams

EX OFFICIO MEMBERS

Senator Peggy Lehner

Representative Gerald Stebelton

SECRETARY

Michael Sawyers

Acting Superintendent of Public Instruction

Mr. Hardin was absent from the meeting. Ms. McGervey was absent on Monday.

The Board's Executive Committee met on Sunday, October 7, at 2 p.m., at the Ohio School for the Deaf. The purpose of the meeting was to discuss the superintendent search and interview search firms.

The State Board convened on Monday, October 8, at the Ohio School for the Deaf in Columbus.

The Board's Legislative and Budget Committee met beginning at 8:30 a.m.

The Board's Executive Committee met beginning at 9:30 a.m.

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The Board's Achievement, Capacity and Committee on Urban Education met beginning at 10 a.m.

The Board took a brief recess.

Recognition of Carole Morbitzer, Ohio Teacher of the Year

Presentation from State Board President Debe Terhar and Acting Superintendent of Public Instruction Michael Sawyers.

The Ohio Teacher of the Year program was initiated by the Department in 1969 to honor and promote excellence in teaching and the teaching profession and to build a network of exemplary teachers who are leaders in school improvement initiatives. Ohio's Teacher of the Year serves as a model for his/her colleagues, inspiration to their communities and leaders in education.

Mrs. Morbitzer, a teacher in the area since 1995 and at Hamilton Township High School since 2006, has been a leader in the educational community. She recently participated in the National Conversation about the Teaching Profession with Ohio teacher leaders and the U.S Department of Education; presented at the 2012 National Honor Society Ohio State Conference; led the Hamilton Local Schools math teachers in a K-12 Academic Content Standards and Common Core State Standards comparison; and trained all Hamilton Local teachers on how to use a SMART Board, to give a few examples.

Mrs. Morbitzer recently won 2011 Presidential Award for Excellence in Mathematics and Science Teaching; has been nominated for the Martha Holden Jennings Foundation, George B. Chapman Jr. Teacher Award for Excellence in Mathematics several times; and has previously been nominated for the Ohio Teacher of the Year award.

As a volleyball coach, Mrs. Morbitzer was named 1999 Ohio Capital Conference Volleyball Coach of the Year, the 2006 Central District Volleyball Coach of the Year, and was named the 2011 National Federation of State High School Association's Coach of the Year for Volleyball in Ohio.

Mrs. Morbitzer has been inducted into both the Hamilton Township Athletic Hall of Fame (2004) and the Hamilton Township High School Alumni Hall of Fame (2011).

In 2010, Mrs. Morbitzer was named the Komen Columbus Volunteer of the Year and in 2011, was named the national Susan G. Komen for the Cure Outstanding Volunteer of the Year for leading the school district's Race for the Cure initiative. Hamilton has won the Komen high School Challenge five consecutive years and has raised more than \$100,000 for breast cancer.

Teacher of the Year Finalists:

The 2013 Ohio Teacher of the Year was selected from nominations submitted by schools across the state. Nominations were reviewed by a statewide panel of representatives from a range of professional organizations and school constituencies, including teachers who have been recognized for their excellent performance in the classroom.

The review panel chose five finalists and interviewed each of them before selecting Mrs. Morbitzer. The four other finalists for the 2013 Ohio Teacher of the Year are:

- Thomas Gregory, Gahanna Lincoln High School, Gahanna-Jefferson Public Schools;
- Paul LaRue, Washington High School, Washington Court House City Schools;
- Holly Lavender, Liberty Union High School, Liberty Union-Thurston Local;
- Jim Mamer, Rockway Elementary/Middle School, Clark-Shawnee Local.

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The State Board recessed for lunch.

Update on Student Attendance Investigation by the State Auditor

Presenter: Dave Yost, Ohio Auditor of State, led this presentation.

Auditor Yost spoke about the Interim Report on Student Attendance Data and Accountability System. Highlights from the presentation:

- Mr. Yost stated that it is consistent with auditing standards to provide interim reports during an engagement.
- Compelling factors in this case to provide an interim report:
 - Upcoming levies across the state.
 - Provide information for conversations that may be taking place.
- The Auditor's office does not attempt to address motivation.
- A second interim report will be issued on October 23.
- Savings of at least 432,000 dollars a year by integrating data sources.

Update from Acting Superintendent Michael Sawyers:

- Value-added data has been load into the secure data center.
- All of the elements related to the 2011-2012 local report cards now exist.\
- Recommendation to release an updated spreadsheet.

Board By-Laws and Policy and Procedures Presentation

Presenter: P.R. Casey, Chief Legal Counsel and Jessica Spears, Assistant Legal Counsel

Mr. Casey and Ms. Spears reviewed with Board members the Procedures Manual Task Force Revised Edition and Major Changes Summary.

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

President Terhar announced the addition of items that would be added to the Voting Agenda on Tuesday.

Consent Agenda (6); Volume 2

1. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL CAREER TECHNICAL TEACHING LICENSE OF TODD R. GERMAN (VOLUME 2, PAGE 4)
2. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE PERMANENT HIGH SCHOOL TEACHING

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CERTIFICATE OF SHERWIN D. LITTLE (VOLUME 2, PAGE 8)

3. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE ONE-YEAR EDUCATIONAL AIDE PERMIT OF RACHAEL M. MERRYMAN (VOLUME 2, PAGE 10)
4. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL MULTI-AGE TEACHING LICENSE OF JASON R. STANFORD (VOLUME 2, PAGE 12)
5. RESOLUTION OF INTENT TO AMEND RULES 3301-13-01, -02, -05, AND -06 OF THE ADMINISTRATIVE CODE AND TO RESCIND RULE 3301-13-08 OF THE ADMINISTRATIVE CODE REGARDING STATEWIDE ASSESSMENTS (VOLUME 2, PAGE 16)
6. RESOLUTION OF INTENT TO CONSIDER THE PROPOSED TRANSFER OF SCHOOL DISTRICT TERRITORY FROM THE BUCKEYE CENTRAL LOCAL SCHOOL DISTRICT, SENECA COUNTY, TO THE MOHAWK LOCAL SCHOOL DISTRICT, SENECA COUNTY, PURSUANT TO SECTION 3311.24 OF THE OHIO REVISED CODE (VOLUME 2, PAGE 54)

Territory Transfers (2); Volume 2

7. RESOLUTION TO APPROVE THE NEGOTIATED AGREEMENT BETWEEN THE PETITIONERS, THE CLYDE-GREEN SPRINGS EXEMPTED VILLAGE SCHOOL DISTRICT AND THE BELLEVUE CITY SCHOOL DISTRICT TO TRANSFER PROPERTIES BETWEEN THE TWO DISTRICTS (VOLUME 2, PAGE 87)
8. RESOLUTION TO APPROVE THE NEGOTIATED AGREEMENT BETWEEN THE NEWARK CITY SCHOOL DISTRICT, LICKING COUNTY, AND THE NORTH FORK LOCAL SCHOOL DISTRICT, LICKING COUNTY, TO TRANSFER PROPERTY FROM THE NEWARK CITY SCHOOL DISTRICT TO THE NORTH FORK LOCAL SCHOOL DISTRICT. (VOLUME 2, PAGE 103)

Items 9 through 17 were school personnel resolutions.

Administrative Rules (0); Volume 3

There were no Administrative Rules for adoption in October.

Miscellaneous Resolutions/Motions (11); Volume 4

18. RESOLUTION TO ADOPT THE REVISED OHIO TEACHER EVALUATION SYSTEM (OTES) FRAMEWORK TO ALIGN WITH SB 316 (VOLUME 4, PAGE 4) (CAPACITY COMMITTEE)
19. RESOLUTION TO ADOPT BIRTH TO KINDERGARTEN ENTRY EARLY LEARNING AND DEVELOPMENT STANDARDS AND THEIR SUCCESSORS (VOLUME 4, PAGE 8) (ACHIEVEMENT COMMITTEE)
20. THE EXECUTIVE COMMITTEE MOVES THAT THE STATE BOARD OF EDUCATION OF OHIO APPROVE NASBE'S PUBLIC EDUCATION POSITIONS (VOLUME 4, PAGE 34)

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(EXECUTIVE COMMITTEE)

21. RESOLUTION TO ADOPT REVISED MODEL ANTI-HARASSMENT, INTIMIDATION AND BULLYING (HIB) POLICY (VOLUME 4, PAGE 36) (CAPACITY COMMITTEE)
22. RESOLUTION TO ADOPT THE REVISED STATE BOARD OF EDUCATION PROCEDURES MANUAL (VOLUME 4, PAGE 54) (EXECUTIVE COMMITTEE)
23. RESOLUTION TO ADOPT AN AMENDMENT TO THE OPERATOR CONTRACT WITH THE SEED FOUNDATION (VOLUME 4, PAGE 88) (CAPACITY COMMITTEE)
24. RESOLUTION CONCERNING THE OCTOBER 1, 2012 STATE BOARD BIENNIAL BUDGET RECOMMENDATIONS SUBMITTED TO OBM FOR FISCAL YEAR 2014-2015 (VOLUME 4, PAGE 94) (LEGISLATIVE AND BUDGET COMMITTEE)
25. RESOLUTION OF INTENT TO CONSIDER CONFIRMATION OF THE CLYDE-GREEN SPRING EXEMPTED VILLAGE SCHOOL DISTRICT'S DETERMINATION OF IMPRACTICAL TRANSPORTATION OF CERTAIN STUDENTS ATTENDING IMMACULATE CONCEPTION SCHOOL, BELLEVUE, OHIO. (VOLUME 4, PAGE 96)
26. RESOLUTION TO CONFIRM THE WESTERVILLE CITY SCHOOL DISTRICT BOARD OF EDUCATION'S DETERMINATION OF IMPRACTICAL TRANSPORTATION OF CERTAIN STUDENTS ATTENDING CALUMET CHRISTIAN SCHOOL IN COLUMBUS, FRANKLIN COUNTY, OHIO (VOLUME 4, PAGE 110)
27. RESOLUTION TO CONFIRM THE WESTERVILLE CITY SCHOOL DISTRICT BOARD OF EDUCATION'S DETERMINATION OF IMPRACTICAL TRANSPORTATION OF CERTAIN STUDENTS ATTENDING ST. FRANCES DE SALES SCHOOL IN COLUMBUS, FRANKLIN COUNTY, OHIO (VOLUME 4, PAGE 126)
28. RESOLUTION TO CONFIRM THE WESTERVILLE CITY SCHOOL DISTRICT BOARD OF EDUCATION'S DETERMINATION OF IMPRACTICAL TRANSPORTATION OF CERTAIN STUDENTS ATTENDING ST. MATTHEW CATHOLIC SCHOOL IN GAHANNA, FRANKLIN COUNTY, OHIO (VOLUME 4, PAGE 134)

Items for Consideration for Next Month

There were no Items for Consideration for Next Month.

The Board took a brief recess.

President Terhar convened the Business Meeting of the State Board of Education on Monday, October 8, 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	Robin C. Hovis

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Stanley Jackson
C. Todd Jones
Jeffrey Mims
Debe Terhar

Ann Jacobs
Kristen McKinley
Mary Rose Oakar
Bryan C. Williams

EX OFFICIO MEMBERS
Senator Peggy Lehner

Representative Gerald Stebelton

MEMBERS ABSENT
Jeffrey Hardin

Kathleen McGervey

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. Mims Seconded the motion.

The President called for a roll call vote.

YES VOTES

Angela Thi Bennett
Michael Collins
Joe Farmer
Thomas Gunlock
Stanley Jackson
C. Todd Jones
Jeffrey Mims
Debe Terhar

Deborah Cain
Tess Elshoff
Dannie Greene
Robin C. Hovis
Ann Jacobs
Kristen McKinley
Mary Rose Oakar
Bryan C. Williams

Motion carried.

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

The Board recessed from Executive Session at 4:15 p.m.

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

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

President Terhar reconvened the Business Meeting of the State Board of Education on Tuesday, October 9, at 8:30 a.m.

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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	Robin C. Hovis
Stanley Jackson	Ann Jacobs
C. Todd Jones	Kathleen McGervey
Kristen McKinley	Jeffrey Mims
Mary Rose Oakar	Debe Terhar
Bryan C. Williams	

EX OFFICIO MEMBERS

Senator Peggy Lehner	Representative Gerald Stebelton
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MEMBERS ABSENT

Jeffrey Hardin

NOTE: Mrs. Bennett, Mrs. Elshoff, Mr. Jackson, Ms. Jacobs, Ms. McKinley and Mr. Williams 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 to discuss matters required to be kept confidential by Ohio Revised Code Section 3319.311.

Mr. Collins 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	Robin C. Hovis
Stanley Jackson	Ann Jacobs
C. Todd Jones	Kathleen McGervey
Kristen McKinley	Jeffrey Mims
Mary Rose Oakar	Debe Terhar
Bryan C. Williams	

Motion carried.

The Board went into Executive Session at 8:30 a.m.

The Board recessed from Executive Session at 9:40 a.m.

President Terhar reconvened the public session of the State Board Business Meeting on Tuesday, October 9, at 9:40 a.m.

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Welcome and Pledge of Allegiance

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

Approval of Minutes of the September Meeting

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

There were no corrections.

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

Motion carried unanimously.

Full Board Presentation on Early Learning Standards

Stephanie Siddens, Director, Office of Early Learning and School Readiness, led this presentation. Highlights from the presentation:

Ohio's Early Learning and Development Standards - October 2012

Background:

- In 1995 the National Education Goals Panel identified 5 domains for children's school readiness
- Ohio awarded Race to the Top Early Learning Challenge Grant December 2011

Domains of the Early Learning and Development Standards:

- Language and Literacy Development
- General Knowledge and Cognitive Development (includes Mathematics, Science, and Social Studies)
- Social and Emotional Development
- Approaches Toward Learning
- Physical Well-being and Motor Development

Early Learning and Development Standards:

- Informed by national experts and research
- Aligned to the K-12 Common Core and Ohio's State Revised Standards
- Developmentally appropriate and reviewed for cultural and linguistic sensitivity

Existing Ohio Standards:

- Ohio's Infant Toddler Guidelines
- Ohio Pre-Kindergarten Content Standards
- Ohio K-12 Content Standards and Common Core State Standards

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Cross Agency Commitment and Leadership Team:

- Ohio Department of Education
- Ohio Department of Job and Family Services
- Ohio Department of Health
- Ohio Department of Mental Health
- Ohio Department of Developmental Disabilities
- Governor's Office of Health Transformation

Revision Process and Timeline:

<u>Task</u>	<u>Timeline</u>
Cross-agency state leadership team convened with national experts	December 2011 and January 2012
Writing teams convened	January and February 2012
Post revised standards for public comment and conducted focus groups	May to June 2012
Revised standards based on public comment	May to August 2012
State Board of Education Adoption	October 2012

Public Comment:

- Input from broad set of early childhood stakeholders
- Targeted professionals in early care and education, health and mental health
- Over 700 individuals commented
- Over 90% strongly agreed or agreed that:
 - Overall format of standards easy to follow
 - Overall structure helpful in understanding how concepts are developed across age bands (infant to preschool)
 - Wording of standards clear and easily understood
 - Vocabulary of standards appropriate to the content areas
- 86% or more of respondents indicated each content/developmental area of standards:
 - Reflects essential knowledge, understanding and skills
 - Has content appropriate for the age groups addressed
 - Has progression of content that is cumulative

Timeline for Early Learning and Development Standards (ELDS) Implementation: 2012-2013:

- Programs and teachers become familiar with standards
- Professional Development designed and deployed
- Model curricula are developed with partner state agencies
- Early Childhood Comprehensive Assessment System development

2013-14:

- New ELDS should be fully integrated into early childhood programs
- Deploy professional development supports based on standards
- Finalize Early Childhood Comprehensive Assessment System development

Early Childhood Comprehensive Assessment System (EC-CAS):

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EC-CAS Purpose:

- Support children's development and academic achievement to improve educational outcomes
- Measure the progress of children in all essential domains of school readiness

EC-CAS: The Scope

- Two assessment components:
 - Formative assessments (36-72 months)
 - Kindergarten Entry Assessment (fall of K year)
- All domains of school readiness
- ONE Comprehensive Assessment System with built-in accommodations for ALL students
- Valid and reliable to measure growth over time
- Aligned to State and National standards
- Validated by national expert panel

Additional Components:

- Professional development to support administration and use of the assessment
- Technology framework to provide online resources and tools

EC-CAS Attributes:

- Ohio and Maryland Collaboration
- Cross-Agency Partnerships
- Supports the Third Grade Reading Guarantee

Next Steps:

- Develop and Initially Deploy Professional Development 2012-13
- Curricula Aligned to ELDS 2013-14
- Early Childhood Comprehensive Assessment System 2014-15

PUBLIC PARTICIPATION ON ACTION ITEMS

1) Valerie Parks Graham, Executive Secretary, Ohio Young Farmers. Ms. Graham spoke to the Board regarding the Ohio Young Farmers program. A copy of her testimony was provided.

This concludes Public Participation on Action Items.

President Terhar called on Acting Superintendent Sawyers for his report.

Mr. Sawyers updated the Board on staffing matters at the Department. He announced that Mr. Jason Rafeld had been hired to become the new Chief of Staff at the Department.

Presentation on Operating Standards for Ohio Schools:

Follow-up from July Retreat and September Meeting.

Operating standards for Ohio schools: Assure that all students are provided a general education of high quality - ORC 3301.07

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Review Summary Table:

Example; (9) The schedule of full-time equivalent classroom teachers assigned to a school with a teacher day of six hours or longer, excluding the lunch period, shall include two hundred minutes per week for these purposes - 3301-35-05.

Why Do They Exist?

- Direct Impact in the Classroom
- Ensure All Students are Successful by Requiring these Minimum Levels of Service

Operating Standards in Administrative Code:

- Collection of State Requirements for Local Schools
 - SBOE Requirements
 - Sections of Revised Code

Updating Process:

- State Board of Education
 - Subcommittee
 - Resolution of Intent
 - Resolution to Adopt
- JCARR

Charge to State Board:

- Revise Operating Standards to provide flexibility
- Study, consider and advocate for policy implications and legislative impact

Subcommittee Members from September's SBOE Meeting:

A subcommittee will be formed to address the Operating Standards. The subcommittee will report to the Executive Committee. The following Board members have been assigned to the subcommittee; Angela Bennett, C. Todd Jones, Tom Gunlock, Dannie Greene and Mike Collins.

Charge to Subcommittee:

- Review Operating Standards
- Propose Changes to Operating Standards

Next Steps:

- Convene subcommittee
- Create Organizational structure
- Identify process, timeline, benchmarks and deliverables
- Report back to executive committee and SBOE

This concludes the Acting Superintendent's report.

President Terhar called on Acting Superintendent Sawyers for his report and recommendations.

President Terhar, presented the following recommendations (Items 1-6) on the Consent Agenda:

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

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

WHEREAS Todd R. German holds a five-year professional career technical teaching license issued in 2011; and

WHEREAS on September 11, 2012, the Ohio Department of Education received a voluntary surrender form from Todd R. German, which authorizes the State Board to enter an order permanently revoking his five-year professional career technical teaching license issued in 2011 based upon his pending charge in the Delaware County Common Pleas Court for one felony count of illegal use of a minor in nudity oriented material; and

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

WHEREAS Todd R. German 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 2011: 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** Todd R. German's five-year professional career technical teaching license issued in 2011 based upon his pending charge in the Delaware County Common Pleas Court for one felony count of illegal use of a minor in nudity oriented material. Further the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Todd R. German be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

2. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE PERMANENT HIGH SCHOOL TEACHING CERTIFICATE OF SHERWIN D. LITTLE

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

WHEREAS Sherwin D. Little holds a permanent high school teaching certificate issued in 1997; and

WHEREAS on September 6, 2012, the Ohio Department of Education received a voluntary surrender form from Sherwin D. Little, which authorizes the State Board to enter an order permanently revoking his permanent high school teaching certificate issued in 1997 based upon allegations that he used his school district laptop to view inappropriate material; and

WHEREAS the form specifies that Sherwin D. Little is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

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WHEREAS Sherwin D. Little has waived his right to a hearing and authorizes the State Board of Education to enter an order permanently revoking his permanent high school teaching certificate issued in 1997: 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** Sherwin D. Little's permanent high school teaching certificate issued in 1997 based upon allegations that he used his school district laptop to view inappropriate material. Further the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Sherwin D. Little be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

3. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE ONE-YEAR EDUCATIONAL AIDE PERMIT OF RACHAEL M. MERRYMAN

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

WHEREAS Rachael M. Merryman held a one-year educational aide permit issued in 2011; and

WHEREAS on September 10, 2012, the Ohio Department of Education received a voluntary surrender form from Rachael M. Merryman, which authorizes the State Board to enter an order permanently revoking her one-year educational aide permit issued in 2011 based upon the court order of the Belmont County Northern District Court in Case No. 12 CRB 0272 01 and 02; and

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

WHEREAS Rachael M. Merryman has waived her right to a hearing and authorizes the State Board of Education to enter an order permanently revoking her one-year educational aide permit issued in 2011: 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** Rachael M. Merryman's one-year educational aide permit issued in 2011 based upon the court order of the Belmont County Northern District Court in Case No. 12 CRB 0272 01 and 02. Further the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Rachael M. Merryman be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

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4. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL MULTI-AGE TEACHING LICENSE OF JASON R. STANFORD

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

WHEREAS Jason R. Stanford holds a five-year professional multi-age teaching license issued in 2011; and

WHEREAS on September 6, 2012, the Ohio Department of Education received a voluntary surrender form from Jason R. Stanford, which authorizes the State Board to enter an order permanently revoking his five-year professional multi-age teaching license issued in 2011 based upon his guilty plea in the Logan County Common Pleas Court for one count of attempted illegal use of a minor in nudity oriented material; and

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

WHEREAS Jason R. Stanford has waived his right to a hearing and authorizes the State Board of Education to enter an order permanently revoking his five-year professional multi-age teaching license issued in 2011: 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** Jason R. Stanford's five-year professional multi-age teaching license issued in 2011 based upon his guilty plea in the Logan County Common Pleas Court for one count of attempted illegal use of a minor in nudity oriented material. Further the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Jason R. Stanford be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

5. RESOLUTION OF INTENT TO AMEND RULES 3301-13-01, -02, -05, AND -06 OF THE ADMINISTRATIVE CODE AND TO RESCIND RULE 3301-13-08 OF THE ADMINISTRATIVE CODE REGARDING STATEWIDE ASSESSMENTS

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

WHEREAS Section 3301.0710 of the Revised Code directs the State Board of Education to adopt rules establishing a statewide program to test student achievement; and

WHEREAS Rules 3301-13-01, -02, -05, and -06 of the Administrative Code detail procedures for development and implementation of assessments to students and are proposed to be amended pursuant to the requirements of five-year rule review; and

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WHEREAS the proposed changes to the rules would revise certain terminology; clarify the requirements and procedures necessary for the administration of the statewide assessments; establish procedures regarding security policy and security investigation; establish procedures for scoring and reporting; clarify the use of a breach form to be administered to a single student; clarify that the writing tests for grades four and seven and the social studies tests for grades five and eight have been suspended; and eliminate the public release of the Ohio achievement assessments and the Ohio graduation tests; and

WHEREAS Rule 3301-13-08 of the Administrative Code, which establishes provisions for an oral administration of the ninth-grade proficiency test, is proposed to be rescinded pursuant to the requirements of five-year rule review; and

WHEREAS the Achievement Committee reviewed the proposed amendments and proposed rescission during its July 2012 meeting and voted to recommend the proposed rule actions to the State Board of Education during its September 2012 meeting: Therefore, Be It

RESOLVED, That the State Board of Education hereby declares its intent to amend Rules 3301-13-01, -02, -05, and -06 of the Administrative Code and to rescind Rule 3301-13-08 of the Administrative Code, which are attached hereto and incorporated herein by this reference; and, Be It

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

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

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

6. RESOLUTION OF INTENT TO CONSIDER THE PROPOSED TRANSFER OF SCHOOL DISTRICT TERRITORY FROM THE BUCKEYE CENTRAL LOCAL SCHOOL DISTRICT, SENECA COUNTY, TO THE MOHAWK LOCAL SCHOOL DISTRICT, SENECA COUNTY, PURSUANT TO SECTION 3311.24 OF THE OHIO REVISED CODE

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

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WHEREAS the Buckeye Central Local School District has filed a proposal with the State Board of Education for the transfer of school district territory from the Buckeye Central Local School District, Seneca County, to the Mohawk Local School District, Seneca County, in accordance with Ohio Revised Code section 3311.24; and

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

WHEREAS in accordance with Ohio Administrative Code section 3301-89-02, both the Buckeye Central Local School District and the Mohawk Local School District have responded to the twenty-five questions posed by the State Board of Education, and request for information, such responses being attached hereto and incorporated herein by this reference: Therefore, Be It

RESOLVED, That the State Board of Education does hereby declare its intention to consider the request to transfer certain territory from the Buckeye Central Local School District, Seneca County, to the Mohawk Local School District, Seneca County; and, Be It

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

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

It was Moved by Mrs. Cain and Seconded by Mr. Mims that the Consent Agenda (Items 1-6) be approved.

President Terhar called for a roll call vote.

YES VOTES

Deborah Cain	Michael Collins
Tess Elshoff	Joe Farmer
Dannie Greene	Thomas Gunlock
Robin C. Hovis	Stanley Jackson
Ann Jacobs	C. Todd Jones
Kathleen McGervey	Kristen McKinley
Jeffrey Mims	Mary Rose Oakar
Debe Terhar	Bryan C. Williams

Motion carried.

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President Terhar presented the following recommendation (Item 7):

7. RESOLUTION TO APPROVE THE NEGOTIATED AGREEMENT BETWEEN THE PETITIONERS, THE CLYDE-GREEN SPRINGS EXEMPTED VILLAGE SCHOOL DISTRICT AND THE BELLEVUE CITY SCHOOL DISTRICT TO TRANSFER PROPERTIES BETWEEN THE TWO DISTRICTS

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

WHEREAS the Clyde Green Springs Exempted Village School District filed a proposal with the State Board of Education for the transfer of school district territory from the Clyde-Green Springs Exempted Village School District, Sandusky County, to the Bellevue City School District, Sandusky County, in accordance with Ohio Revised Code section 3311.24; and

WHEREAS the Bellevue City School District filed a proposal with the State Board of Education for the transfer of school district territory from the Bellevue City School District, Sandusky County, to the Clyde-Green Springs Exempted Village School District, Sandusky County, in accordance with Ohio Revised Code section 3311.24; and

WHEREAS the proposal filed by the Clyde-Green Springs Exempted Village School District and the proposal filed by the Bellevue City School District were each initiated at the request of at least 75% of the qualified electors residing within the respective territory proposed for transfer and identify the school district territory proposed for transfer as property located in the respective school district; and

WHEREAS all parties have negotiated an agreement indicating their agreement to the two proposed land transfers, such agreement being attached hereto and incorporated herein by this reference; and

WHEREAS in accordance with Ohio Administrative Code section 3301-89-02(A)(6), upon receipt of a negotiated agreement, the State Board of Education shall adopt a resolution of approval of the negotiated agreement or may establish a hearing if approval is not granted: Therefore, Be It

RESOLVED, That upon consideration of the negotiated agreement, the State Board of Education hereby approves the negotiated agreement indicating that all parties agree to a proposed transfer of territory from the Clyde-Green Springs Exempted Village School District, Sandusky County, to the Bellevue City School District, Sandusky County, and to a proposed transfer of territory from the Bellevue City School District, Sandusky County, to the Clyde-Green Springs Exempted Village School District, Sandusky County; and, Be It

FURTHER RESOLVED, that the Acting Superintendent of Public Instruction be, and he hereby is, directed to serve a true copy of this resolution on the Petitioners, the Boards of Education of the Clyde-Green Springs Exempted Village School District and the Bellevue City School District, and counsel of record, if applicable.

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

President Terhar called for a roll call vote.

YES VOTES

Deborah Cain	Michael Collins
Tess Elshoff	Joe Farmer
Thomas Gunlock	Robin C. Hovis
Stanley Jackson	Ann Jacobs
C. Todd Jones	Kathleen McGervey
Kristen McKinley	Jeffrey Mims
Mary Rose Oakar	Debe Terhar
Bryan C. Williams	

NO VOTES

Dannie Greene

Motion carried.

President Terhar presented the following recommendation (Item 8):

- 8. RESOLUTION TO APPROVE THE NEGOTIATED AGREEMENT BETWEEN THE NEWARK CITY SCHOOL DISTRICT, LICKING COUNTY, AND THE NORTH FORK LOCAL SCHOOL DISTRICT, LICKING COUNTY, TO TRANSFER PROPERTY FROM THE NEWARK CITY SCHOOL DISTRICT TO THE NORTH FORK LOCAL SCHOOL DISTRICT.**

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

WHEREAS the Newark City School District filed a proposal with the State Board of Education for the transfer of school district territory from the Newark City School District, Licking County, to the North Fork Local School District, Licking County, in accordance with Ohio Revised Code section 3311.24; and

WHEREAS the proposal filed by the Newark City School District was initiated pursuant to a motion of the Newark County Board of Education approving the request to transfer property at a specific address to the North Fork Local School District; and

WHEREAS the Newark City School District and the North Fork Local School Districts have negotiated an agreement to transfer the property, such agreement being attached hereto and incorporated herein by this reference; and

WHEREAS in accordance with Ohio Administrative Code section 3301-89-02(A)(6), upon receipt of a negotiated agreement, the State Board of Education shall adopt a resolution of approval of the negotiated agreement or may establish a hearing if approval is not granted: Therefore, Be It

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RESOLVED, That upon consideration of the negotiated agreement, the State Board of Education hereby approves the negotiated agreement indicating that the Newark City School District and the North Fork Local School District agree to a proposed transfer of territory from the Newark City School District to the North Fork Local School District; and, Be It

FURTHER RESOLVED, that the Acting Superintendent of Public Instruction be, and he hereby is, directed to serve a true copy of this resolution on the Boards of Education of the Newark City School District and the North Fork Local School District, and counsel of record, if applicable.

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

President Terhar called for a roll call vote.

YES VOTES

Deborah Cain	Michael Collins
Tess Elshoff	Joe Farmer
Thomas Gunlock	Robin C. Hovis
Stanley Jackson	Ann Jacobs
C. Todd Jones	Kathleen McGervey
Kristen McKinley	Jeffrey Mims
Mary Rose Oakar	Debe Terhar
Bryan C. Williams	

NO VOTES

Dannie Greene

Motion carried.

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

9. RESOLUTION TO REVOKE PERMANENTLY THE FOUR-YEAR EDUCATIONAL AIDE PERMIT OF DANIEL E. HACKWORTH

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

WHEREAS Daniel E. Hackworth holds a four-year educational aide permit issued in 2009; and

WHEREAS on August 10, 2012, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Daniel E. Hackworth of its intent to determine whether to limit, suspend, revoke, or permanently revoke his four-year educational aide permit issued in 2009 pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(b). The notice was based upon Mr. Hackworth's 2012 conviction in the Stark County Court of Common Pleas for one felony count of domestic violence, his current consent agreement with the State Board of

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Education which he entered into in 2011, and his 2012 conviction being a violation of the terms and conditions of his consent agreement; and

WHEREAS the notice informed Mr. Hackworth that if he fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code, the State Board of Education will proceed to determine whether to limit, suspend, revoke, or permanently revoke his four-year educational aide permit issued in 2009; and

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

WHEREAS the State Board of Education has reviewed the affidavit of the Director of the Office of Professional Conduct, Notice of the State Board of Education's Intended Action and Opportunity for a Hearing, certified court records from the Stark County Court of Common Pleas, and Mr. Hackworth's consent agreement with the State Board of Education; and

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(b), hereby **REVOKES** Daniel E. Hackworth's four-year educational aide permit issued in 2009 based upon Mr. Hackworth's 2012 conviction in the Stark County Court of Common Pleas for one felony count of domestic violence, his current consent agreement with the State Board of Education which he entered into in 2011, and his 2012 conviction being a violation of the terms and conditions of his consent agreement. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Daniel E. Hackworth be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

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

Mrs. Cain stated that she would abstain from Item 9 due to the fact that she is familiar with parties associated with the record.

President Terhar called for a roll call vote.

YES VOTES

Michael Collins
Joe Farmer
Thomas Gunlock
Stanley Jackson
C. Todd Jones

Tess Elshoff
Dannie Greene
Robin C. Hovis
Ann Jacobs
Kathleen McGervey

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Kristen McKinley
Mary Rose Oakar
Bryan C. Williams

Jeffrey Mims
Debe Terhar

ABSTAIN

Deborah Cain

Motion carried.

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

- 10. RESOLUTION TO ACCEPT THE HEARING OFFICER'S RECOMMENDATION TO GRANT THE OHIO DEPARTMENT OF EDUCATION'S MOTION TO STRIKE MR. HAUCK'S ADDITIONAL EVIDENCE AND TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO DENY THE ONE-YEAR SHORT-TERM SUBSTITUTE TEACHING LICENSE APPLICATION OF JOHN W. HAUCK**

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

WHEREAS John W. Hauck has applied for a one-year short-term substitute teaching license; and

WHEREAS on March 8, 2012, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified John W. Hauck of its intent to deny or permanently deny his application for a one-year short-term substitute teaching license pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Hauck engaging in conduct unbecoming to the teaching profession when his law license was disciplined by the Supreme Court of Ohio for unethical conduct after he used a company account as his Interest on Lawyers Trust Account (IOLTA), comingled personal, business, and client funds, and failed to inform clients of his lack of malpractice insurance coverage; and

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

WHEREAS a hearing was held on June 25, 2012; and

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

WHEREAS the hearing officer recommends that Mr. Hauck's pending application be denied and he be ineligible to apply for any license issued by the State Board of Education until the Supreme Court of Ohio has determined whether to reinstate Mr. Hauck's law license. The hearing officer's recommendation is based upon the State Board being in a better position to determine whether Mr. Hauck should be issued a state of Ohio teaching license in the future if it awaits a final determination by the Supreme Court of Ohio on whether it will return Mr. Hauck's license to practice law; and

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WHEREAS Mr. Hauck submitted additional evidence regarding the hearing officer's report and recommendation; and

WHEREAS the Ohio Department of Education filed a motion to strike Mr. Hauck's additional evidence based upon the additional evidence not being submitted during the administrative hearing; and

WHEREAS Mr. Hauck filed a response to the Ohio Department of Education's motion to strike the additional evidence; and

WHEREAS the hearing officer duly considered the additional evidence Mr. Hauck submitted in response to the hearing officer's report and recommendation, the Ohio Department of Education's motion to strike the additional evidence, and Mr. Hauck's response to the motion to strike; and

WHEREAS the hearing officer recommends that the Ohio Department of Education's motion to strike Mr. Hauck's additional evidence be granted. The hearing officer's recommendation is based upon Mr. Hauck not asserting a sufficient reason for the administrative hearing record to be reopened and supplemented by additional evidence: Therefore, Be It

RESOLVED, That the State Board of Education hereby **GRANTS** the Ohio Department of Education's motion to strike Mr. Hauck's additional evidence and hereby **ORDERS** the additional evidence be stricken based upon Mr. Hauck failing to assert a sufficient reason for the administrative hearing record to be reopened and supplemented by additional evidence: and, Be It Further

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **DENIES** John W. Hauck's application for a one-year short-term substitute teaching license based upon Mr. Hauck engaging in conduct unbecoming to the teaching profession when his law license was disciplined by the Supreme Court of Ohio for unethical conduct after he used a company account as his Interest on Lawyers Trust Account (IOLTA), comingled personal, business, and client funds, and failed to inform clients of his lack of malpractice insurance coverage. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(a), orders that John W. Hauck be ineligible to reapply for any license issued by the State Board of Education until on or after the Supreme Court of Ohio has concluded its disciplinary actions regarding the suspension of Mr. Hauck's license to practice law; and, Be It Further

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

It was Moved by Ms. Jacobs and Seconded by Mr. Jones that the above recommendation (Item 10) be approved.

President Terhar called for a roll call vote.

YES VOTES

Deborah Cain
Tess Elshoff
Dannie Greene

Michael Collins
Joe Farmer
Thomas Gunlock

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Robin C. Hovis
Ann Jacobs
Kathleen McGervey
Jeffrey Mims
Debe Terhar

Stanley Jackson
C. Todd Jones
Kristen McKinley
Mary Rose Oakar
Bryan C. Williams

Motion carried.

Lori Kelly, Director, Office of Professional Conduct, presented the following recommendation (Item 11):

11. RESOLUTION TO DENY THE THREE-YEAR PUPIL ACTIVITY SUPERVISOR PERMIT APPLICATION OF JOSEPH A. MEDAL II

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

WHEREAS Joseph A. Medal II has applied for a three-year pupil activity supervisor permit; and

WHEREAS on August 9, 2012, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Joseph A. Medal II of its intent to deny or permanently deny his application for a three-year pupil activity supervisor permit pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(c) and Rule 3301-20-01(E) of the Ohio Administrative Code. The notice was based upon Mr. Medal's 2008 conviction in the Canton Municipal Court for one misdemeanor count of theft, one misdemeanor count of criminal damaging or endangering, and one misdemeanor count of criminal trespass and 2011 conviction in the Massillon Municipal Court for one minor misdemeanor count of disorderly conduct; and

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

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

WHEREAS the State Board of Education has reviewed the affidavit of the Director of the Office of Professional Conduct, Notice of the State Board of Education's Intended Action and Opportunity for a Hearing, and certified court records from the Canton Municipal Court and Massillon Municipal Court; and

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

WHEREAS Mr. Medal is not eligible for licensure by the State Board of Education since he cannot meet the rehabilitation criteria established by Rule 3301-20-01(E)

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of the Ohio Administrative Code because five years have not elapsed since his 2008 conviction for theft: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(c) and Rule 3301-20-01(E) of the Ohio Administrative Code, hereby **DENIES** Joseph A. Medal's application for a three-year pupil activity supervisor permit based upon Mr. Medal's 2008 conviction in the Canton Municipal Court for one misdemeanor count of theft, one misdemeanor count of criminal damaging or endangering, and one misdemeanor count of criminal trespass and 2011 conviction in the Massillon Municipal Court for one minor misdemeanor count of disorderly conduct. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(a), orders that Joseph A. Medal be ineligible to reapply for any license issued by the State Board of Education until on or after July 2, 2013 or his 2008 conviction is sealed or expunged, whichever occurs first; and, Be It Further

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

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

President Terhar called for a roll call vote.

YES VOTES

Deborah Cain	Michael Collins
Tess Elshoff	Joe Farmer
Dannie Greene	Thomas Gunlock
Robin C. Hovis	Stanley Jackson
Ann Jacobs	Kathleen McGervey
Kristen McKinley	Jeffrey Mims
Mary Rose Oakar	Debe Terhar
Bryan C. Williams	

ABSTAIN

C. Todd Jones

Motion carried.

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

- 12. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL VOCATIONAL EDUCATION TEACHING LICENSE OF LUCILLE MILITELLO**

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

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WHEREAS Lucille Militello holds a five-year professional vocational education teaching license issued in 2011; and

WHEREAS on April 2, 2012, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Lucille Militello of its intent to determine whether to limit, suspend, revoke, or permanently revoke her five-year professional vocational education teaching license issued in 2011 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Militello engaging in conduct unbecoming to the teaching profession in March 2011 when she violated test procedures for a national restaurant association's certification examination by giving the examination to eight students as a study guide which resulted in all eight students initially passing the examination and receiving certification. Upon learning of the testing breach, the students' certifications were revoked and they were required to take a different examination which resulted in only two students passing the second examination; and

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

WHEREAS a hearing was held on July 11, 2012; and

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

WHEREAS the hearing officer recommends that Ms. Militello's license be revoked and she be permanently ineligible to apply for any license issued by the State Board of Education. The hearing officer's recommendation is based upon Ms. Militello's unbecoming conduct of providing a copy of a standardized test to students prior to the examination being an extreme example of failing to adhere to procedures related to the security of standardized tests: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Lucille Militello's five-year professional vocational education teaching license issued in 2011 based upon Ms. Militello engaging in conduct unbecoming to the teaching profession in March 2011 when she violated test procedures for a national restaurant association's certification examination by giving the examination to eight students as a study guide which resulted in all eight students initially passing the examination and receiving certification. Upon learning of the testing breach, the students' certifications were revoked and they were required to take a different examination which resulted in only two students passing the second examination. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Lucille Militello be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

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

President Terhar called for a roll call vote.

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YES VOTES

Deborah Cain	Michael Collins
Tess Elshoff	Joe Farmer
Dannie Greene	Thomas Gunlock
Robin C. Hovis	Stanley Jackson
Ann Jacobs	C. Todd Jones
Kathleen McGervey	Kristen McKinley
Jeffrey Mims	Mary Rose Oakar
Debe Terhar	Bryan C. Williams

Motion carried.

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

13. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL CAREER TECHNICAL TEACHING LICENSE OF THOMAS A. OSWALT

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

WHEREAS Thomas A. Oswalt holds a five-year professional career technical teaching license issued in 2009; and

WHEREAS on March 19, 2012, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Thomas A. Oswalt of its intent to determine whether to limit, suspend, revoke, or permanently revoke his five-year professional career technical teaching license issued in 2009 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Oswalt engaging in conduct unbecoming to the teaching profession when he violated standards of employee conduct regarding unauthorized relationships and official investigations or inquiries in 2010 and 2011 while employed as a teacher with the Ohio Central School System, obtained a conviction in 2004 in the Vermilion Municipal Court for one misdemeanor count of violating rest area rules/entering trails after dark, and obtained five misdemeanor convictions from 1991 through 2005 for alcohol related traffic offenses; and

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

WHEREAS a hearing was held on July 16, 2012; and

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

WHEREAS the hearing officer recommends that Mr. Oswalt'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. Oswalt's pattern of unbecoming conduct and the finding that returning Ms.

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Oswalt to a classroom setting would have a negative impact on the health, safety, and welfare of the education community: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Thomas A. Oswald's five-year professional career technical teaching license issued in 2009 based upon Mr. Oswald engaging in conduct unbecoming to the teaching profession when he violated standards of employee conduct regarding unauthorized relationships and official investigations or inquiries in 2010 and 2011 while employed as a teacher with the Ohio Central School System, obtained a conviction in 2004 in the Vermilion Municipal Court for one misdemeanor count of violating rest area rules/entering trails after dark, and obtained five misdemeanor convictions from 1991 through 2005 for alcohol related traffic offenses. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Thomas A. Oswald be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

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

President Terhar called for a roll call vote.

YES VOTES

Deborah Cain	Michael Collins
Tess Elshoff	Joe Farmer
Dannie Greene	Thomas Gunlock
Robin C. Hovis	Stanley Jackson
Ann Jacobs	C. Todd Jones
Kathleen McGervey	Kristen McKinley
Jeffrey Mims	Mary Rose Oakar
Debe Terhar	Bryan C. Williams

Motion carried.

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

14. RESOLUTION TO DENY PERMANENTLY THE ONE-YEAR EDUCATIONAL AIDE PERMIT APPLICATION OF WALTER B. SANFORD JR.

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

WHEREAS Walter B. Sanford Jr. has applied for a one-year educational aide permit; and

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WHEREAS on July 25, 2012, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Walter B. Sanford Jr. of its intent to deny or permanently deny his application for a one-year educational aide 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. Sanford's 1998 conviction in the Clark County Municipal Court for one misdemeanor count of prohibition/minor under 21 years, 2004 conviction in the Clark County Court of Common Pleas for one misdemeanor count of aggravated trespassing, 2011 conviction in the Franklin County Court of Common Pleas for one felony count of nonsupport of dependents, and failure to disclose his convictions on his pending application; and

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

WHEREAS Walter B. Sanford did not request a hearing in accordance with Section 119.07 of the Revised Code; and

WHEREAS the State Board of Education has reviewed the affidavit of the Director of the Office of Professional Conduct, Notice of the State Board of Education's Intended Action and Opportunity for a Hearing, certified court records from the Clark County Municipal Court, Clark County Court of Common Pleas, and Franklin County Court of Common Pleas, certified police records from the Springfield Police Department, and Mr. Sanford's 2011 application for a one-year educational aide permit; and

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

WHEREAS Mr. Sanford is not eligible for licensure by the State Board of Education since he cannot meet the rehabilitation criteria established by Rule 3301-20-01 of the Ohio Administrative Code because five years have not elapsed since he has been fully discharged from imprisonment, probation, or parole in his felony case: 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** Walter B. Sanford's application for a one-year educational aide permit based upon Mr. Sanford's 1998 conviction in the Clark County Municipal Court for one misdemeanor count of prohibition/minor under 21 years, 2004 conviction in the Clark County Court of Common Pleas for one misdemeanor count of aggravated trespassing, 2011 conviction in the Franklin County Court of Common Pleas for one felony count of nonsupport of dependents, 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)(b), orders Walter B. Sanford be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

It was Moved by Mr. Collins and Seconded by Mr. Gunlock that the above recommendation (Item 14) be approved.

President Terhar called for a roll call vote.

YES VOTES

Deborah Cain	Michael Collins
Tess Elshoff	Joe Farmer
Dannie Greene	Thomas Gunlock
Robin C. Hovis	Stanley Jackson
Ann Jacobs	Kathleen McGervey
Kristen McKinley	Jeffrey Mims
Mary Rose Oakar	Debe Terhar
Bryan C. Williams	

ABSTAIN

C. Todd Jones

Motion carried.

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

15. RESOLUTION TO DENY PERMANENTLY THE ONE-YEAR EDUCATIONAL AIDE PERMIT APPLICATION OF TIMOTHY STARKS

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

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

WHEREAS on August 8, 2012, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Timothy Starks of its intent to deny or permanently 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. Starks' 2011 conviction in the Euclid Municipal Court for one minor misdemeanor count of disorderly conduct, 2010 conviction in the Shaker Heights Municipal Court for one misdemeanor count of dog/animal at large, 2011 conviction in the Shaker Heights Municipal Court for one count of contempt, 2011 conviction in the Shaker Heights Municipal Court for another count of contempt, and previous discipline by the State Board of Education in 2010 when he was issued a letter of admonishment to address a conviction in 2007 for one misdemeanor count of disorderly conduct and falsification of his licensure application; and

WHEREAS the notice informed Mr. Starks that if he fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code, the

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State Board of Education will proceed to deny or permanently deny his application for a one-year educational aide permit; and

WHEREAS Timothy Starks did not request a hearing in accordance with Section 119.07 of the Revised Code; and

WHEREAS the State Board of Education has reviewed the affidavit of the Director of the Office of Professional Conduct, Notice of the State Board of Education's Intended Action and Opportunity for a Hearing, certified court records from the Euclid Municipal Court and Shaker Heights Municipal Court, and Mr. Starks' letter of admonishment issued by the State Board of Education in 2010; and

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **DENIES** Timothy Starks' application for a one-year educational aide permit based upon Mr. Starks' 2011 conviction in the Euclid Municipal Court for one minor misdemeanor count of disorderly conduct, 2010 conviction in the Shaker Heights Municipal Court for one misdemeanor count of dog/animal at large, 2011 conviction in the Shaker Heights Municipal Court for one count of contempt, 2011 conviction in the Shaker Heights Municipal Court for another count of contempt, and previous discipline by the State Board of Education in 2010 when he was issued a letter of admonishment to address a conviction in 2007 for one misdemeanor count of disorderly conduct and falsification of his licensure application. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders Timothy Starks be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

It was Moved by Mrs. Cain and Seconded by Mr. Gunlock that the above recommendation (Item 15) be approved.

President Terhar called for a roll call vote.

YES VOTES

Deborah Cain
Tess Elshoff
Dannie Greene
Robin C. Hovis
Ann Jacobs
Jeffrey Mims
Debe Terhar

Michael Collins
Joe Farmer
Thomas Gunlock
Stanley Jackson
Kathleen McGervey
Mary Rose Oakar
Bryan C. Williams

ABSTAIN

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C. Todd Jones

Kristen McKinley

Motion carried.

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

16. RESOLUTION TO REJECT PORTIONS OF THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER AND TO SUSPEND THE PERMANENT HIGH SCHOOL TEACHING CERTIFICATE OF VIRGIL WALKER

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

WHEREAS Virgil Walker holds a permanent high school teaching certificate issued in 1997; and

WHEREAS on March 7, 2012, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Virgil Walker of its intent to determine whether to limit, suspend, revoke, or permanently revoke his permanent high school teaching certificate issued in 1997 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Walker during the 2010-2011 school year engaging in conduct unbecoming to the teaching profession by having a gun in his car while his car was parked on school property. A student stole the gun from Mr. Walker's car and attempted to bring the gun into the high school; and

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

WHEREAS a hearing was held on May 15 and 16, 2012; and

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

WHEREAS the hearing officer recommends that Mr. Walker be issued a letter of admonishment. The hearing officer's recommendation is based upon Mr. Walker's misconduct being a singular event in a thirty-year teaching career that was otherwise exemplary, award-winning, and very valuable to students and the school community; and

WHEREAS the State Board of Education has considered the report and recommendation of the hearing officer, the factors listed in Rule 3301-73-21 of the Ohio Administrative Code, and the ethical standards for the teaching profession as adopted by the State Board in the *Licensure Code of Professional Conduct for Ohio Educators*; and

WHEREAS the State Board of Education rejects the following portions of the hearing officer's report and recommendation: finding of fact numbered 23, conclusions of law numbered 7, 8, and 10; and the proposed recommendation to admonish Mr. Walker for engaging in incompetent, negligent and/or unbecoming

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conduct to the teaching profession. The State Board finds that Mr. Walker's misconduct is not a singular event, but rather his acts, conduct, and omissions over at least a ten day period culminated in his handgun being stolen by a student from his unlocked car while it was on school property and the student subsequently taking the firearm into the high school. Specifically, Mr. Walker brought a gun onto school property, failed to take necessary precautions to secure the gun as evidenced by the gun being stolen from his unlocked car, failed to know where his gun was for a period of time, and waited from at least November 2, 2010 until November 10, 2010 to report the theft of his gun to police; and

WHEREAS the State Board of Education finds that Mr. Walker's incompetency, negligence, and/or unbecoming conduct in bringing a gun onto school property, even if the transportation occurred due to forgetfulness, has an impact on his immediate and future licensure and employment and supports an order that suspends his license for a period of one year with the suspension period being stayed once Mr. Walker provides verification to the Department of Education that he has successfully completed twelve hours of training on carrying a concealed weapon in Ohio. Further, the State Board is not persuaded by the mitigating factors which the hearing officer identified in this case and finds that the nature and seriousness of Mr. Walker's misconduct warrants a disciplinary sanction greater than an admonishment. Further, the State Board finds that Mr. Walker's incompetency, negligence, and/or unbecoming conduct negatively reflects upon the teaching profession and contravenes efforts to ensure school zones are free from weapons. These findings are based upon Mr. Walker engaging in acts, conduct, and omissions, when considered together, risked the health, safety, and welfare of students: Therefore, Be It

RESOLVED, That the State Board of Education rejects the following portions of the hearing officer's report and recommendation: finding of fact numbered 23, conclusions of law numbered 7, 8, and 10; and the proposed recommendation to admonish Mr. Walker for engaging in incompetent, negligent and/or unbecoming conduct to the teaching profession. The State Board finds that Mr. Walker's misconduct is not a singular event, but rather his acts, conduct, and omissions over at least a ten day period culminated in his handgun being stolen by a student from his unlocked car while it was on school property and the student subsequently taking the firearm into the high school. Specifically, Mr. Walker brought a gun onto school property, failed to take necessary precautions to secure the gun as evidenced by the gun being stolen from his unlocked car, failed to know where his gun was for a period of time, and waited from at least November 2, 2010 until November 10, 2010 to report the theft of his gun to police; and, Be It Further

RESOLVED, That the State Board of Education finds that Mr. Walker's incompetency, negligence, and/or unbecoming conduct in bringing a gun onto school property, even if the transportation occurred due to forgetfulness, has an impact on his immediate and future licensure and employment and supports an order that suspends his license for a period of one year with the suspension period being stayed once Mr. Walker provides verification to the Department of Education that he has successfully completed twelve hours of training on carrying a concealed weapon in Ohio. Further, the State Board is not persuaded by the mitigating factors which the hearing officer identified in this case and finds that the nature and seriousness of Mr. Walker's misconduct warrants a disciplinary sanction greater than an admonishment. Further, the State Board finds that Mr. Walker's incompetency, negligence, and/or unbecoming conduct negatively

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reflects upon the teaching profession and contravenes efforts to ensure school zones are free from weapons. These findings are based upon Mr. Walker engaging in acts, conduct, and omissions, when considered together, risked the health, safety, and welfare of students; and, Be It Further

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **SUSPENDS** Virgil Walker's permanent high school teaching certificate for a period of one year based upon him during the 2010-2011 school year engaging in incompetent, negligent, and/or unbecoming conduct to the teaching profession by having a gun in his car while his car was parked on school property. A student subsequently stole the gun from Mr. Walker's car and attempted to bring the gun into the high school. The suspension period will be stayed once Mr. Walker provides verification to the Department of Education that he has successfully completed twelve hours of training on carrying a concealed weapon in Ohio. Further, the State Board, in accordance with Ohio Revised Code 3319.31(B)(1), orders that Virgil Walker be ineligible to apply for any license issued by the State Board until on or after his suspension period ends or the suspension becomes stayed, whichever occurs first; and, Be It Further

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

It was Moved by Mr. Hovis and Seconded by Mr. Mims that the above recommendation (Item 16) be approved.

Mr. Hovis Moved to amend the resolution by substitution. He recommended to escalate the penalty to a one-year suspension of the teaching license, but would be stayed upon completion of a 12 hour firearm safety course. Mr. Greene Seconded the motion. Mr. Hovis further stated he was troubled that students may have been aware of the firearm in the vehicle of Mr. Walker.

Mr. Gunlock stated there is a tremendous amount of responsibility with a concealed carry permit. He noted that in the training, it is stated that bringing a weapon to school is forbidden under any circumstances other than bringing or dropping off a child. Another responsibility is to secure the weapon and know its whereabouts at all times. He further stated Mr. Walker made numerous mistakes over a period of at least seven days.

Mr. Gunlock Moved to amend the resolution by substitution. He recommended to escalate the suspension to two years with the second year stayed pending completion of a 12 hour firearm safety course. Mr. Williams Seconded the motion.

Mr. Farmer stated he would support the primary amendment.

Ms. Oakar stated she would support the secondary amendment.
President Terhar called for a roll call vote on the proposed amendment by Mr. Gunlock.

YES VOTES

Thomas Gunlock

Robin C. Hovis

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Stanley Jackson
Jeffrey Mims
Bryan C. Williams

C. Todd Jones
Mary Rose Oakar

NO VOTES

Deborah Cain
Joe Farmer
Ann Jacobs
Kristen McKinley

Michael Collins
Dannie Greene
Kathleen McGervey
Debe Terhar

Motion denied.

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

YES VOTES

Deborah Cain
Joe Farmer
Thomas Gunlock
Stanley Jackson
C. Todd Jones
Kristen McKinley
Mary Rose Oakar
Bryan C. Williams

Michael Collins
Dannie Greene
Robin C. Hovis
Ann Jacobs
Kathleen McGervey
Jeffrey Mims
Debe Terhar

Motion carried.

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

YES VOTES

Deborah Cain
Joe Farmer
Thomas Gunlock
Stanley Jackson
C. Todd Jones
Kristen McKinley
Mary Rose Oakar
Bryan C. Williams

Michael Collins
Dannie Greene
Robin C. Hovis
Ann Jacobs
Kathleen McGervey
Jeffrey Mims
Debe Terhar

Motion carried.

Lori Kelly, Director, Office of Professional Conduct, presented the following recommendation (Item 17):

17. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO SUSPEND THE FOUR-YEAR EDUCATIONAL AIDE PERMIT OF ROGER WHEELER

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

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WHEREAS Roger Wheeler holds a four-year educational aide permit issued in 2010; and

WHEREAS on October 7, 2011, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Roger Wheeler of its intent to determine whether to limit, suspend, revoke, or permanently revoke his four-year educational aide permit issued in 2010 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Wheeler engaging in conduct unbecoming to the teaching profession in August 2010 when he became involved in an altercation with an individual who was attempting to attend a football game while he was serving as a security guard at a high school. Mr. Wheeler's conduct resulted in him being charged with one misdemeanor count of assault in the Montgomery County Municipal Court and subsequently being convicted of one minor misdemeanor count of disorderly conduct in 2011; and

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

WHEREAS a hearing was held on June 29, 2012; and

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

WHEREAS the hearing officer recommends that Mr. Wheeler's license be suspended for a period of two years with the suspension beginning on June 29, 2012. The hearing officer's recommendation is based upon Mr. Wheeler's conduct unbecoming to the teaching profession which involved the school community and resulted in a criminal conviction: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **SUSPENDS** Roger Wheeler's four-year educational aide permit issued in 2010 for a period of two years from June 29, 2012 through June 29, 2014. The suspension is based upon Mr. Wheeler engaging in conduct unbecoming to the teaching profession in August 2010 when he became involved in an altercation with an individual who was attempting to attend a football game while he was serving as a security guard at a high school. Mr. Wheeler's conduct resulted in him being charged with one misdemeanor count of assault in the Montgomery County Municipal Court and subsequently being convicted of one minor misdemeanor count of disorderly conduct in 2011. Further, the State Board, in accordance with Section 3319.31 of the Revised Code, orders that Roger Wheeler may not reapply for any license issued by the State Board of Education until on or after June 29, 2014; and, Be It Further

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

It was Moved by Mr. Gunlock and Seconded by Mr. Farmer that the above recommendation (Item 17) be approved.

President Terhar called for a roll call vote.

YES VOTES

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Deborah Cain
Tess Elshoff
Dannie Greene
Robin C. Hovis
Ann Jacobs
Kristen McKinley
Mary Rose Oakar
Bryan C. Williams

Michael Collins
Joe Farmer
Thomas Gunlock
Stanley Jackson
Kathleen McGervey
Jeffrey Mims
Debe Terhar

ABSTAIN

C. Todd Jones

Motion carried.

Mr. Gunlock presented the following recommendation (Item 18):

18. RESOLUTION TO ADOPT THE REVISED OHIO TEACHER EVALUATION SYSTEM (OTES) FRAMEWORK TO ALIGN WITH SB 316

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

WHEREAS section 3319.61 of the Revised Code required the Educator Standards Board to develop model teacher evaluation instruments and processes; and

WHEREAS at its April 2011 business meeting the Educator Standards Board passed a resolution to recommend to the State Board of Education the adoption of the Ohio Teacher Evaluation System model that they had developed pursuant to section 3319.61 of the Revised Code; and

WHEREAS House Bill 153 of the 129th General Assembly required each school district to adopt a standards-based teacher evaluation policy that conforms with the framework for evaluation of teachers developed under section 3319.112 of the Revised Code; and

WHEREAS House Bill 153 of the 129th General Assembly required the State Board of Education to develop, by December 31, 2011, a standards-based state framework for the evaluation of teachers that is aligned with the standards for teachers adopted under section 3319.61 of the Revised Code, and that provides for multiple evaluation factors, including student academic growth which shall account for fifty percent of each evaluation; and

WHEREAS the State Board of Education, at its November 2011 meeting, adopted the Ohio Teacher Evaluation System Framework in accordance with section 3319.112 of the Revised Code; and

WHEREAS the Capacity Committee, at its February 2012 meeting, heard information and feedback presented by LEAs participating in a statewide pilot of the Ohio Teacher Evaluation System, as well as the Ohio Department of Education's summary of the Ohio Teacher Evaluation System pilot program; and

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WHEREAS Senate Bill 316 of the 129th General Assembly initiated changes to Ohio’s teacher evaluation procedures, resulting in a need to revise the Ohio Teacher Evaluation System Framework previously adopted by the State Board of Education; and

WHEREAS the Capacity Committee, at its October 2012 meeting, reviewed the revised Ohio Teacher Evaluation System Framework that was updated by ODE to align with requirements in Senate Bill 316: Therefore, Be It

RESOLVED, That the State Board of Education hereby adopts the revised and updated Ohio Teacher Evaluation System Framework in accordance with section 3319.112 of the Revised Code.

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

President Terhar called for a roll call vote.

YES VOTES

Deborah Cain	Michael Collins
Joe Farmer	Dannie Greene
Thomas Gunlock	Robin C. Hovis
Stanley Jackson	Ann Jacobs
C. Todd Jones	Kathleen McGervey
Kristen McKinley	Jeffrey Mims
Mary Rose Oakar	Debe Terhar
Bryan C. Williams	

Motion carried.

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

19. RESOLUTION TO ADOPT BIRTH TO KINDERGARTEN ENTRY EARLY LEARNING AND DEVELOPMENT STANDARDS AND THEIR SUCCESSORS

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

WHEREAS the State of Ohio was awarded the Race to the Top Early Learning Challenge Grant in December 2011 which required the State of Ohio to have early learning and development standards for children ages birth to kindergarten entry in all domains of school readiness; and

WHEREAS Ohio’s Early Learning and Development standards build and expand upon the strong set of existing standards in Ohio’s Infant Toddler Guidelines (for children birth to 36 months of age) and the Pre-kindergarten content standards (for children ages 3 to 5); and

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WHEREAS the National Education Goals Panel in 1995 identified five domains as pillars for children's school readiness, and since then national, state and local entities have used them as a framework for developing early learning standards and for assessing school readiness; and

WHEREAS Ohio Department of Education (ODE) staff co-led a cross-agency state leadership team made up of the ODE, the Department of Job and Family Services, the Department of Health, the Department of Mental Health, the Department of Developmental Disabilities, and the Governor's Office of Health Transformation, from December 2011 to the present on the development of the early learning and development standards; and

WHEREAS ODE staff and members of the cross-agency state leadership team worked with three national experts throughout the standards development process for ongoing review, feedback and advice; and

WHEREAS Ohio's standards writing teams consisted of state experts, content experts and practitioners representing higher education, early childhood programs in districts, child care, family child care, Head Start, health care, pediatricians, developmental psychologists, mental health experts, and developmental disability experts; and

WHEREAS ODE staff conducted targeted focus groups in April, May, and June 2012 with district preschool and child care teachers, child care advisory group members, state support teams, and librarians to obtain feedback on the draft standards; and

WHEREAS drafts of the new standards were posted for public comment in May and June 2012 and resulted in over 700 comments from preschool programs in districts, child care, family child care, private preschool and child care programs, community programs, health professionals, mental health professionals, educators including teachers and administrations of children birth to age 5, librarians, state support teams, and child care resource and referral organizations; and

WHEREAS the revised standards align from birth to kindergarten entry to the K-12 Common Core State Standards and K-12 Academic Standards in social studies and science; and

WHEREAS the Achievement Committee of the State Board of Education has followed this process since its inception through regular progress reports to the Achievement Committee and full board; and

WHEREAS the State Board of Education at their September 2012 regular meeting voted its intent to adopt these revised standards: Therefore, Be It

RESOLVED that the State Board of Education adopt the early learning and development standards in language and literacy, cognition, social and emotional development, approaches toward learning, and physical well-being and motor development, which are attached hereto and incorporated herein by this reference; and Be It

FURTHER RESOLVED, That the Superintendent be authorized and directed, and he hereby is, to inform all school districts, chartered non-public school

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districts, child care programs, family child care programs and other entities providing early childhood services or programs of the adoption of early learning and development standards in language and literacy, cognition, social and emotional development, approaches toward learning, and physical well-being and motor development; and to provide, in collaboration with other state agencies, technical assistance and professional development to assist programs and educators in their use.

It was Moved by Mr. Jones that the above recommendation (Item 19) be approved.

President Terhar called for a roll call vote.

YES VOTES

Deborah Cain	Michael Collins
Joe Farmer	Dannie Greene
Thomas Gunlock	Robin C. Hovis
Stanley Jackson	Ann Jacobs
C. Todd Jones	Kathleen McGervey
Kristen McKinley	Jeffrey Mims
Mary Rose Oakar	Debe Terhar
Bryan C. Williams	

Motion carried.

Mr. Gunlock presented the following recommendation (Item 20):

20. MOTION THAT THE STATE BOARD OF EDUCATION OF OHIO APPROVE NASBE'S PUBLIC EDUCATION POSITIONS

I **MOVE** that the State Board of Education of Ohio **APPROVE** NASBE'S Public Education Positions.

It was Moved by Mr. Gunlock and Seconded by Mr. Collins that the above recommendation (Item 20) be approved.

President Terhar called for a roll call vote.

YES VOTES

Deborah Cain	Michael Collins
Joe Farmer	Dannie Greene
Thomas Gunlock	Robin C. Hovis
Stanley Jackson	Ann Jacobs
C. Todd Jones	Kathleen McGervey
Kristen McKinley	Jeffrey Mims
Mary Rose Oakar	Debe Terhar
Bryan C. Williams	

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Motion carried.

Mr. Gunlock presented the following recommendation (Item 21):

21. RESOLUTION TO ADOPT REVISED MODEL ANTI-HARASSMENT, INTIMIDATION AND BULLYING (HIB) POLICY

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

WHEREAS pursuant to Revised Code Section 3301.22, the State Board of Education developed a model policy to prohibit harassment, intimidation, or bullying in order to assist school districts in developing their own policies as required by Revised Code Section 3313.666; and

WHEREAS House Bill (HB) 116 of the 129th General Assembly, effective May 4, 2012, made changes to the law regarding required provisions for schools/districts' anti-harassment, intimidation and bullying policies;

WHEREAS HB 116 requires the State Board of Education to update its model anti-harassment, intimidation and bullying policy no later than November 4, 2012;

WHEREAS HB 116 requires that schools'/districts' anti-harassment, intimidation and bullying policies must cover incidents of harassment, intimidation and bullying that occur on a school bus and via electronic means (cyberbullying); and

WHEREAS HB 116 also requires that schools'/districts' anti-harassment, intimidation and bullying policies provide a means for anonymous reports of incidents of harassment, intimidation and bullying and processes for notifying and educating students and parents about these policies; and

WHEREAS the Capacity Committee reviewed the proposed revisions to the State Board of Education's model anti-harassment, intimidation and bullying policy to align with HB 116 during its September 2012 meeting; and

WHEREAS the Capacity Committee, during its June 2012 meeting, voted to recommend to the full Board the adoption of the revised model anti-harassment, intimidation and bullying policy; and

WHEREAS the State Board of Education at their September 2012 regular meeting voted its intent to adopt the revised model anti-harassment, intimidation and bullying policy: Therefore, Be It

RESOLVED, that the State Board of Education adopt the revised model anti-harassment, intimidation and bullying policy, which is attached hereto and incorporated by this reference.

It was Moved by Mr. Gunlock that the above recommendation (Item 21) be approved.

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President Terhar called for a roll call vote.

YES VOTES

Deborah Cain	Michael Collins
Joe Farmer	Dannie Greene
Thomas Gunlock	Robin C. Hovis
Stanley Jackson	Ann Jacobs
C. Todd Jones	Kathleen McGervey
Kristen McKinley	Jeffrey Mims
Mary Rose Oakar	Debe Terhar
Bryan C. Williams	

Motion carried.

Mr. Gunlock presented the following recommendation (Item 22):

22. RESOLUTION TO ADOPT THE REVISED STATE BOARD OF EDUCATION PROCEDURES MANUAL

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

WHEREAS Board Leadership created the Policy and Procedures Task Force, which was tasked with making proposed revisions to the State Board of Education procedures manual; and

WHEREAS the Policy and Procedures Task Force met over the course of several months to review and discuss proposed revisions to the State Board of Education procedures manual; and

WHEREAS the Policy and Procedures Task Force completed its review and finalized its proposed revisions to the State Board of Education procedures manual during the June 2012 meeting of the Task Force; and

WHEREAS the Policy and Procedures Task Force moved to recommend the proposed revised State Board of Education procedures manual to the Executive Committee of the State Board of Education during the June 2012 meeting of the Task Force; and

WHEREAS the Executive Committee of the State Board of Education, during its September 2012 meeting, voted to recommend to the full Board the adoption of the revised State Board of Education procedures manual: Therefore, Be It

RESOLVED, that the State Board of Education adopt the revised State Board of Education procedures manual, which is attached hereto and incorporated by this reference.

It was Moved by Mr. Gunlock that the above recommendation (Item 22) be approved.

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President Terhar called for a roll call vote.

YES VOTES

Deborah Cain	Michael Collins
Joe Farmer	Dannie Greene
Thomas Gunlock	Robin C. Hovis
Stanley Jackson	Ann Jacobs
C. Todd Jones	Kathleen McGervey
Kristen McKinley	Jeffrey Mims
Mary Rose Oakar	Debe Terhar
Bryan C. Williams	

Motion carried.

President Terhar requested consent by the Board to remove Item 23 from the Voting Agenda. Consent was granted by the Board.

President Terhar requested consent by the Board to remove Item 24 from the Voting Agenda. Consent was granted by the Board.

President Terhar presented the following recommendation (Item 25):

- 25. RESOLUTION OF INTENT TO CONSIDER CONFIRMATION OF THE CLYDE-GREEN SPRING EXEMPTED VILLAGE SCHOOL DISTRICT'S DETERMINATION OF IMPRACTICAL TRANSPORTATION OF CERTAIN STUDENTS ATTENDING IMMACULATE CONCEPTION SCHOOL, BELLEVUE, 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 Clyde-Green Springs Exempted Village 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 Immaculate Conception School in Bellevue, Ohio; Therefore, Be It

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RESOLVED, that the State Board of Education does hereby declare its intent to consider the request of the Clyde-Green Springs Exempted Village School District Board of Education to declare transportation of certain students attending Immaculate Conception School in Bellevue, Ohio 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 Acting Superintendent of Public Instruction be, and he hereby is, directed to appoint a hearing examiner, establish the date, time and place, and give notice of such hearing, should a hearing be requested.

It was Moved by Mr. Hovis and Seconded by Mr. Farmer that the above recommendation (Item 25) be approved.

President Terhar called for a roll call vote.

YES VOTES

Deborah Cain	Michael Collins
Joe Farmer	Dannie Greene
Thomas Gunlock	Robin C. Hovis
Stanley Jackson	Ann Jacobs
C. Todd Jones	Kristen McKinley
Jeffrey Mims	Mary Rose Oakar
Debe Terhar	Bryan C. Williams

NO VOTES

Kathleen McGervey

Motion carried.

President Terhar presented the following recommendation (Item 26):

26. RESOLUTION TO CONFIRM THE WESTERVILLE CITY SCHOOL DISTRICT BOARD OF EDUCATION'S DETERMINATION OF IMPRACTICAL TRANSPORTATION OF CERTAIN STUDENTS ATTENDING CALUMET CHRISTIAN SCHOOL IN COLUMBUS, 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 authorizes 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

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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 Board of Education has requested that the State Board of Education confirm the school district's determination that it is impractical to transport certain school-age residents to Calumet Christian School in Columbus, Franklin County, Ohio; and

WHEREAS on April 10, 2012, the State Board of Education resolved its intent to consider the confirmation of the Westerville City School District Board of Education's determination and notified the parties of their right to a hearing; and

WHEREAS a hearing was held on the matter before a duly appointed hearing officer; and

WHEREAS the hearing officer has issued a report and recommendation that the State Board of Education confirm the determination of the Westerville City School District Board of Education that such transportation is impractical on August 30, 2012; and

WHEREAS a timely objection to the hearing officer's report and recommendation was received from one set of parents on September 17, 2012; and

WHEREAS a timely response to the objection to the hearing officer's report and recommendation was filed by legal counsel for Westerville City Schools on September 26, 2012; and

WHEREAS attached hereto and incorporated by reference for consideration is the hearing officer's report and recommendation, the objection to the report and recommendation and the response to the objections to the report and recommendation; and

WHEREAS the State Board of Education has duly considered the report and recommendation of the hearing officer together with the filed objection and response to the objection: Therefore, Be It

RESOLVED, that the State Board of Education approves the recommendation of the hearing officer and does hereby confirm the determination of the Westerville City School District Board of Education that transportation is impractical for certain students who attend Calumet Christian School in Columbus, Franklin County, Ohio; and Be It

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

It was Moved by Ms. Jacobs and Seconded by Mr. Hovis that the above recommendation (Item 26) be approved.

Mr. Collins clarified with Mr. Casey that he would not need to abstain from the matter being voted on.

President Terhar called for a roll call vote.

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YES VOTES

Deborah Cain	Michael Collins
Joe Farmer	Dannie Greene
Thomas Gunlock	Robin C. Hovis
Stanley Jackson	Ann Jacobs
C. Todd Jones	Kristen McKinley
Jeffrey Mims	Mary Rose Oakar
Debe Terhar	Bryan C. Williams

NO VOTES

Kathleen McGervey

Motion carried.

President Terhar presented the following recommendation (Item 27):

27. RESOLUTION TO CONFIRM THE WESTERVILLE CITY SCHOOL DISTRICT BOARD OF EDUCATION'S DETERMINATION OF IMPRACTICAL TRANSPORTATION OF CERTAIN STUDENTS ATTENDING ST. FRANCES DE SALES SCHOOL IN COLUMBUS, 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 authorizes 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 Board of Education has requested that the State Board of Education confirm the school district's determination that it is impractical to transport certain school-age residents to St. Frances De Sales School in Columbus, Franklin County, Ohio; and

WHEREAS on April 10, 2012, the State Board of Education resolved its intent to consider the confirmation of the Westerville City School District Board of Education's determination and notified the parties of their right to a hearing; and

WHEREAS a hearing was held on the matter before a duly appointed hearing officer; and

WHEREAS the hearing officer has issued a report and recommendation that the State Board of Education confirm the determination of the Westerville City School District Board of Education that such transportation is impractical on September 4, 2012; and

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WHEREAS no timely objections to the hearing officer's report and recommendation were filed by the parties; and

WHEREAS attached hereto and incorporated by reference for consideration is the hearing officer's report and recommendation; and

WHEREAS the State Board of Education has duly considered the report and recommendation of the hearing officer: Therefore, Be It

RESOLVED, that the State Board of Education approves the recommendation of the hearing officer and does hereby confirm the determination of the Westerville City School District Board of Education that transportation is impractical for certain students who attend St. Frances De Sales School in Columbus, Franklin County, Ohio; and Be It

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

It was Moved by Mr. Collins and Seconded by Mrs. Cain that the above recommendation (Item 27) be approved.

President Terhar called for a roll call vote.

YES VOTES

Deborah Cain	Michael Collins
Joe Farmer	Dannie Greene
Thomas Gunlock	Robin C. Hovis
Stanley Jackson	Ann Jacobs
C. Todd Jones	Kristen McKinley
Jeffrey Mims	Mary Rose Oakar
Debe Terhar	Bryan C. Williams

NO VOTES

Kathleen McGervey

Motion carried.

President Terhar presented the following recommendation (Item 28):

- 28. RESOLUTION TO CONFIRM THE WESTERVILLE CITY SCHOOL DISTRICT BOARD OF EDUCATION'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:

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WHEREAS Sections 3327.01 and 3327.02 of the Revised Code authorizes 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 Board of Education has requested that the State Board of Education confirm the school district's determination that it is impractical to transport certain school-age residents to St. Matthew Catholic School in Gahanna, Franklin County, Ohio; and

WHEREAS on February 14, 2012, the State Board of Education resolved its intent to consider the confirmation of the Westerville City School District Board of Education's determination and notified the parties of their right to a hearing; and

WHEREAS a hearing was held on the matter before a duly appointed hearing officer; and

WHEREAS the hearing officer has issued a report and recommendation that the State Board of Education confirm the determination of the Westerville City School District Board of Education that such transportation is impractical on August 4, 2012; and

WHEREAS no timely objections to the hearing officer's report and recommendation were filed and/or properly served by the parties; and

WHEREAS attached hereto and incorporated by reference for consideration is the hearing officer's report and recommendation; and

WHEREAS the State Board of Education has duly considered the report and recommendation of the hearing officer: Therefore, Be It

RESOLVED, that the State Board of Education approves the recommendation of the hearing officer and does hereby confirm the determination of the Westerville City School District Board of Education that transportation is impractical for certain students who attend St. Matthew Catholic School in Gahanna, Franklin County, Ohio; and Be It

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

It was Moved by Ms. Oakar and Seconded by Mr. Hovis that the above recommendation (Item 28) be approved.

President Terhar called for a roll call vote.

YES VOTES

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Deborah Cain
Joe Farmer
Thomas Gunlock
Stanley Jackson
C. Todd Jones
Jeffrey Mims
Debe Terhar

Michael Collins
Dannie Greene
Robin C. Hovis
Ann Jacobs
Kristen McKinley
Mary Rose Oakar
Bryan C. Williams

NO VOTES

Kathleen McGervey

Motion carried.

Mr. Gunlock presented the following recommendation (Item 29):

- 29. RESOLUTION TO AUTHORIZE THE ACTING SUPERINTENDENT OF PUBLIC INSTRUCTION TO RECOMMEND TO THE GENERAL ASSEMBLY THE AMENDMENT OF OHIO REVISED CODE SECTION 3301.0714 IN ORDER TO REMOVE THE STATUTORY RESTRICTION ON THE REPORTING OF CERTAIN STUDENT INFORMATION IN THE EDUCATION MANAGEMENT INFORMATION SYSTEM.**

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

WHEREAS the Auditor of State issued an interim report concerning his performance audit of the Ohio Department of Education on October 8, 2012; and

WHEREAS the report recommends the removal of the statutory restriction on the Ohio Department of Education's access to student personally identifiable information that is contained in Ohio Revised Code section 3301.0714; and

WHEREAS the Acting Superintendent of Public Instruction has recommended that the Department work with the General Assembly to remove the statutory restriction, which will increase the operational efficiency of the Ohio Department of Education, as well as save costs; Therefore, Be It

RESOLVED, That the State Board of Education approves the recommendation of the Acting Superintendent that the Ohio Department of Education take those steps necessary in order to implement the Auditor of State's recommendation; and, Be It

FURTHER RESOLVED, that the Acting Superintendent of Public Instruction be, and he hereby is, authorized to work with the General Assembly to recommend to them the necessary amendments of Ohio Revised Code section 3301.0714

It was Moved by Mr. Gunlock and Seconded by Mr. Mims that the above recommendation (Item 29) be approved.

President Terhar called for a roll call vote.

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YES VOTES

Deborah Cain	Michael Collins
Joe Farmer	Dannie Greene
Thomas Gunlock	Robin C. Hovis
Stanley Jackson	Ann Jacobs
C. Todd Jones	Kristen McKinley
Jeffrey Mims	Mary Rose Oakar
Debe Terhar	Bryan C. Williams

NO VOTES

Kathleen McGervey

Motion carried.

Mr. Gunlock presented the following recommendation (Item 30):

30. MOTION TO ACCEPT THE RECOMMENDATION OF THE ACTING SUPERINTENDENT OF PUBLIC INSTRUCTION TO RELEASE THE EXPANDED SPREADSHEET VERSION OF THE 2011-2012 REPORT CARD DATA ON OR ABOUT OCTOBER 17, 2012.

I **MOVE** that the State Board of Education **APPROVE** the above motion.

It was Moved by Mr. Gunlock and Seconded by Mr. Williams that the above recommendation (Item 30) be approved.

Mr. Hovis stated he would vote against the proposed motion because he believed unnecessary confusion is created by issuing spreadsheets that contain all of the data on the report card, so the report card should just be released.

President Terhar called for a roll call vote.

YES VOTES

Deborah Cain	Michael Collins
Dannie Greene	Thomas Gunlock
Jeffrey Hardin	Stanley Jackson
Ann Jacobs	C. Todd Jones
Kathleen McGervey	Jeffrey Mims
Debe Terhar	Bryan C. Williams

NO VOTES

Robin C. Hovis	Kristen McKinley
Mary Rose Oakar	

Motion carried.

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Mr. Gunlock presented the following recommendation (Item 31):

**31. MOTION THAT DEBBIE CAIN SERVE AS OHIO'S VOTING DELEGATE
AT THE 2012 NASBE CONFERENCE**

I **MOVE** that Debbie Cain **SERVE** as Ohio's voting delegate at the 2012 NASBE Conference.

It was Moved by Mr. Gunlock and Seconded by Mr. Collins that the above recommendation (Item 31) be approved.

President Terhar called for a voice vote.

Motion carried.

Mr. Gunlock presented the following recommendation (Item 32):

**32. MOTION TO SELECT RAY & ASSOCIATES, INC. TO CONDUCT THE
SEARCH FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

The Executive Committee **MOVES** that the State Board of Education **CHARGE** the Ohio Department of Administrative Services to offer a contract to conduct the search for the Superintendent of Public Instruction to Ray & Associates, Inc. with the work to begin as soon as permissible by law.

It was Moved by Mr. Gunlock that the above recommendation (Item 32) be approved.

President Terhar called for a roll call vote.

YES VOTES

Deborah Cain	Michael Collins
Joe Farmer	Dannie Greene
Thomas Gunlock	Robin C. Hovis
Stanley Jackson	Ann Jacobs
C. Todd Jones	Kristen McKinley
Jeffrey Mims	Mary Rose Oakar
Debe Terhar	Bryan C. Williams

ABSTAIN

Kathleen McGervey

Motion carried.

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Non-Resolutions
New Business

President Terhar announced the formation of an Early Childhood task force and Third Grade Reading Guarantee task force. The two task forces will report to the Legislative and Budget Committee. A comprehensive plan will be formed to provide testimony to the legislature if necessary.

Ms. Oakar stated that she was very disturbed to see the Interim report by the Auditor of State contained fourteen thousand more students than what were enrolled in the Cleveland Municipal School District. Ms. Oakar requested clarification of the issue by the Acting Superintendent. Acting Superintendent Sawyers replied he would provide clarification by the end of the week. Ms. Oakar responded that she would need clarification before meeting with the Auditor's office.

Mr. Hovis stated that he was giving formal notice that he would be bringing forth a resolution at the November Board meeting to refer to the Legislative and Budget Committee three or more legislative recommendations which he feels should be considered by the Board as a consequence of his nine years of service on the Board. Some of the recommendations regard such topics as Board members holding another office of trust or profit, the issue of the Board not being able to have standing committees and the ability of the State Board to negotiate its own contracts.

PUBLIC PARTICIPATION ON NONACTION ITEMS

1) Mr. Eric Price, Exchange Club of Dayton. Mr. Price spoke to Board members regarding improvement of civics education.

Public Participation on Nonaction Items was conducted at 1 p.m.

Mr. Farmer Moved to adjourn the meeting. Ms. Jacobs Seconded the motion.

The President requested a voice vote.

Motion carried.

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

ATTEST:



Debe Terhar



Michael Sawyers

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President
State Board of Education

Acting Superintendent of Public Instruction

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