

**Minutes of the February 2013 Meeting of the State Board of Education of Ohio**

**STATE BOARD OF EDUCATION OF OHIO  
MINUTES**

February 2013  
Ohio Department of Education  
25 South Front Street  
Columbus, Ohio 43215

**MEMBERS OF THE STATE BOARD OF EDUCATION**

Angela Thi Bennett	Deborah Cain
Michael Collins	Stephanie Dodd
Tess Elshoff	Joe Farmer
Sarah Fowler	Thomas Gunlock
Jeffrey Hardin	Ann Jacobs
C. Todd Jones	Kathleen McGervey
Darryl D. Mehaffie	Jeffrey Mims
Mary Rose Oakar	Mark Smith
Debe Terhar	Bryan C. Williams

**EX OFFICIO MEMBERS**

Senator Peggy Lehner	Representative Gerald Stebelton
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**SECRETARY**

Michael Sawyers  
Acting Superintendent of Public Instruction

Mr. Mehaffie was absent from the meeting. Mrs. Elshoff was absent on Tuesday.

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The State Board convened on Monday, February 11, at the Ohio Department of Education in Columbus.

President Terhar asked the Recording Secretary to call the roll.

**MEMBERS PRESENT**

Angela Thi Bennett	Deborah Cain
Michael Collins	Stephanie Dodd
Tess Elshoff	Joe Farmer
Sarah Fowler	Thomas Gunlock
Jeffrey Hardin	Ann Jacobs
C. Todd Jones	Kathleen McGervey
Jeffrey Mims	Mary Rose Oakar
Mark Smith	Debe Terhar
Bryan C. Williams	

NOTE: Mrs. Elshoff and Ms. McGervey entered the room after roll call.

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**Full Board Discussion on Social Media**

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Beginning at 9 a.m. the Board conducted a discussion regarding Social Media.

President Terhar made the following statement:

As I promised my colleagues on the Board, I would like to take the opportunity this morning to address the recent media attention received as a result of a re-posting on my personal Facebook page.

I sincerely apologize for and truly regret my hasty action of re-posting an item that appeared on my personal Facebook page. I wish to make it absolutely clear that it was never my desire or intention to offend anyone at any time. I fully realize the sensitivity of the issue at hand and I was wrong to re-post something that could ever be perceived as insensitive by anyone. I fully understand that as an elected official in the state, what I may say and do may find its way to the public domain and, therefore, must be measured and tempered. I sincerely apologize for my transgression to everyone who may have been offended by this incident.

I have apologized personally to my colleagues on the Board for any discord that this may have caused, to Department leadership and to all of the Department staff for having to spend any time or resources dealing with this most unfortunate issue.

In a civil society an honest, open free exchange of ideas is necessary to allow us to engage in a reasoned debate on any of those ideas. I firmly believe that to vilify, ridicule and attempt to demonize and marginalize people who do not agree with you is counterproductive to reaching a consensus. My mission on this Board is, as I have demonstrated in the past, to lead us to a healthy consensus that is in the best interest of Ohio's children.

Again, I sincerely apologize. To reiterate, it was never my desire nor was it ever my intention to offend anyone. But, it truly was a mistake. I do ask for forgiveness for that mistake and give my complete assurance that this will never occur again. It is my hope that we can put this issue behind us and continue our important work together for Ohio's children.

It is my firm belief that this error in judgment must not delay any of the valuable work of this Board in ensuring the delivery of the best educational opportunities for Ohio's 1.9 million children.

Debe Terhar  
President  
State Board of Education of Ohio

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### PUBLIC PARTICIPATION ON NONACTION ITEMS

- 1) Mr. Hased Ngone. Mr. Ngone spoke to the Board regarding President Terhar.
- 2) Mrs. Nadine McIlwain, Canton. Mrs. McIlwain spoke to the Board regarding President Terhar.
- 3) Mr. Jerid Kurtz, Ohio Democratic Party. Mr. Kurtz spoke to the Board regarding President Terhar.
- 4) Mr. Ron Adler, Ohio Coalition for Quality Education. Mr. Adler spoke to the Board regarding President Terhar.

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At the conclusion of Public Participation on Nonaction Items and further comments by Board members, Mrs. Cain Moved that the State Board of Education conduct a vote to remove Debe Terhar as President of the State Board of Education. Mr. Mims Seconded the motion.

Vice President Gunlock called for a roll call vote.

### YES VOTES

Deborah Cain	Michael Collins
Stephanie Dodd	Ann Jacobs
Jeffrey Mims	Mary Rose Oakar

### NO VOTES

Angela Thi Bennett	Tess Elshoff
Joe Farmer	Sarah Fowler
Thomas Gunlock	Jeffrey Hardin
Kathleen McGervey	Mark Smith
Debe Terhar	Bryan C. Williams

Motion defeated.

Mr. Mims stated he would do everything possible to re-unify the Board around the purpose of creating great educational opportunities for the children in Ohio.

Mr. Collins and Ms. Oakar echoed the comments made by Mr. Mims.

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The Board's Executive Committee met beginning at 10:45 a.m.

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The Board's Achievement, Capacity and Committee on Urban Education met beginning at 11 a.m.

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The State Board recessed for lunch. The Appointments Committee met before lunch to discuss a vacancy on the Educator Standards Board.

### **Full Board Presentation on the Recommendations by the Third Grade Reading Guarantee Workgroup**

Sasheen Phillips, Senior Executive Director, Curriculum & Assessment and Dr. Stephanie Siddens, Director, Office of Early Learning and School Readiness led this presentation. Highlights from the presentation:

#### **Ohio's Third Grade Reading Guarantee Workgroup Recommendations**

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### Senate Bill 316:

The State Board with the Early Childhood Council in consultation with the Governor's Office of 21st Century Education, jointly develop legislative recommendations regarding the state's policies on literacy education for individuals from birth through third grade, with the goal of

- Increasing kindergarten readiness
- Reading proficiency in K-3,
- Increasing school success and college- and career-readiness

### Senate Bill 316 -Third Grade Reading Guarantee:

- Intervention and Support
- Reading Diagnostics
- Individualized Reading Improvement and Monitoring Plans
- Data Reporting
- 3rd Grade Retainment
- Legislative Recommendations

### Third Grade Reading Guarantee Legislative Recommendations:

- Alignment of the state's policies and resources for reading readiness and proficiency from birth through third grade, including literacy standards, evidence-based curricula, professional development, instructional practices, and assessments to reduce early learning difficulties and to ensure third grade reading proficiency;
- Identification of birth through kindergarten entry strategies that reduce the kindergarten readiness gap, increase literacy success throughout the K-12 continuum, and increase college- and career-readiness;
- Recommendations for implementing reading proficiency strategies.

### Third Grade Reading Guarantee Work Group:

#### Members:

#### SBOE Members:

Deborah Cain, State Board of Education, Uniontown, District 8  
Michael Collins, State Board of Education, Westerville, District 9  
Tess Elshoff, State Board of Education, New Knoxville, At-large  
Debe Terhar, President, State Board of Education, Cincinnati, District 4

#### Early Childhood Advisory Council Members:

Day Chesney, Miami Valley Child Development Centers, Inc.

Joni Close, Sisters of Charity Foundation of Canton

Marcia Egbert, The George Gund Foundation

Lowell Howard, South Central Ohio Educational Service Center

Katie Kelly, GroundWork

Staff Support: Sasheen and Stephanie, ODE, as well as Alicia Leatherman, Deputy Director, Child Care/Office of Family Assistance, ODJFS

In consultation and participation by Governor's office:

Dick Ross, Director Governor's Office of 21<sup>st</sup> Century Ed,

Angel Rhodes, Early Education and Development Officer, Governor's Office of 21<sup>st</sup> Century Education

### Workgroup meetings: Nov. 2012- Feb. 2013

- State and national expert presentations on research and lessons learned related to early literacy
- Development and review of recommendations
- Supported by an external facilitator

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### **Birth-Grade Three Literacy Recommendations:**

- Increase public awareness of the importance of early childhood language and literacy
- Use technology to support educators and children
- Promote effective programs, research-based interventions and supports
- Improve credentials and professional development for educators
- Prioritize investments and fiscal supports for children birth to Grade 3

### **Increase Public Awareness on Early Language and Literacy (1):**

- Ohio public awareness campaign
- Target rural and urban populations
- Business and community partnerships
- Family Engagement Strategies

### **Integrate Technology into Early Learning to Grade Three Programs (2):**

- Technology Access needs
- Best Practices
- Data and Data Analysis tools

### **Promote Effective, Research-Based Programs, Interventions, Supports (3):**

- Assemble expert literacy panel
- Establish standards for selecting curricular and assessment resources and tools
- Develop strategies for reducing chronic absenteeism and summer learning loss in low-income children
- Create best practice toolkit

### **Improve Educator Credentials and Professional Development (4):**

- Align credentials/certification requirements related to language and literacy to reading outcome
- Align professional development to the Third Grade Reading Guarantee
- Refine the B-5 Personnel evaluation system

### **Prioritize investment (5):**

- Determine state's ability to increase investment in high quality early childhood programs based on analysis/metrics in RTT-ELC grant
- Align birth to grade 3 state funding policies to goals of Reading Guarantee

### **Connections:**

- Alignment with RTT-Early Learning Challenge Grant activities
- Prioritization of recommendations
  - Highest need: investment strategies
  - Short-term impact: research based strategies, toolkits, and PD

### **Things to Consider:**

- Clearinghouse of information
- Recommendations and strategies should be provided to Governor's Early Education and Development Officer and Project Teams for further implementation and next steps

### **Next Steps:**

- Workgroup reviews input from State Board of Education and Early Childhood Advisory Council and makes final adjustments
- Format recommendations into report
- Issue report to Governor and General Assembly February 28th

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President Terhar convened the Business Meeting of the State Board of Education on Monday, February 11, at 1:45 p.m.

President Terhar asked the Recording Secretary to call the roll.

### MEMBERS PRESENT

Angela Thi Bennett	Deborah Cain
Michael Collins	Stephanie Dodd
Joe Farmer	Sarah Fowler
Thomas Gunlock	Jeffrey Hardin
Ann Jacobs	C. Todd Jones
Kathleen McGervey	Jeffrey Mims
Mary Rose Oakar	Mark Smith
Debe Terhar	Bryan C. Williams

### EX OFFICIO MEMBERS

Senator Peggy Lehner	Representative Gerald Stebelton
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### MEMBERS ABSENT

Tess Elshoff	Darryl Mehaffie
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NOTE: Mr. Hardin entered the room after roll call.

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

Mr. Williams Seconded the motion.

The President called for a roll call vote.

### YES VOTES

Angela Thi Bennett	Deborah Cain
Michael Collins	Stephanie Dodd
Joe Farmer	Sarah Fowler
Thomas Gunlock	Jeffrey Hardin
Ann Jacobs	C. Todd Jones
Kathleen McGervey	Jeffrey Mims
Mary Rose Oakar	Mark Smith
Debe Terhar	Bryan C. Williams

Motion carried.

The Board went into Executive Session at 1:45 p.m.

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The Board recessed from Executive Session at 2:30 p.m.

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### BOARD PRESENTATIONS AND DISCUSSION FROM THE EXECUTIVE COMMITTEE

Chair: Debe Terhar, Vice Chair: Tom Gunlock

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

The Committee received an update on future Board accommodations for meetings in downtown Columbus.

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### BOARD PRESENTATIONS AND DISCUSSION FROM THE ACHIEVEMENT COMMITTEE

Chair: C. Todd Jones, Vice Chair: Joe Farmer

Mr. Farmer gave a report from the Achievement Committee meeting focusing on the following issues:

#### **Committee Procedures:**

The Committee discussed their role and reviewed the topics that typically are examined in the Achievement Committee. A list of accomplishments for 2012 was provided to Committee members.

#### **Operating Standards for Children with Disabilities:**

The Committee received an update on the proposed amendments to Rules 3301-51-01 to -11, Operating Standards for Children with Disabilities. The rules have been posted for public feedback. The amended rules will be shared with stakeholders at eight regional meetings during the month of February. The Committee will discuss the feedback from the regional meetings at their March 2013 meeting. A resolution of intent to adopt the amended rules is scheduled for April 2013.

#### **Appropriate Uses of Early Child Education Screening and Assessment Information:**

The Committee received an update on the proposed amendments to Rule 3301-52-01, Appropriate Uses of Early Child Education Screening and Assessment Information. These rules have been reviewed as part of the five-year review process. Only minor revisions have been made to the rule. The amendments also include updates federal and state law references. A resolution of intent to adopt the amended rule is scheduled for March 2013.\

#### **Restraint and Seclusion Policy and Rule:**

The Committee continued their discussion on the Department's Policy on Positive Behavior Intervention and Supports, and Restraint and Seclusion. Last month the State Board of Education approved a resolution to adopt the policy. The external workgroup has started the process of developing guidance and identifying components of training. A survey that was sent to all traditional schools districts regarding policies, procedures and training related to PBIS and the use of restraint and/or seclusion was discussed. The results of the survey will help guide the work of the internal and external workgroups.

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### BOARD PRESENTATIONS AND DISCUSSION FROM THE CAPACITY COMMITTEE

Chair: Tom Gunlock, Vice Chair: Bryan Williams

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

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### **Discuss Rules 3301-102-01 to -07, Community School Sponsorship Rules:**

Department Staff presented revised Community School Sponsorship rules which are undergoing a 5 year rule re-filing process. The rules describe the following: application process and approval procedures for parties interested in becoming sponsors of new start-up community schools; sponsorship agreement between the Department and an approved sponsor; sponsorship obligations of all sponsors of conversion and new start-up community schools; Department's oversight of all sponsors; revocation of sponsors; and payment processes for community schools. The Capacity Committee had questions and recommendations for the rules in January. Subsequent revisions were shared with the Capacity Committee this month. The Committee voted to recommend approval of the proposed rules to the full Board. There will be an intent resolution in March.

### **Discuss proposed new Rule 3301-102-09, Approving Applicants of New Internet- or Computer-Based Community Schools:**

HB 555 lifted the moratorium on online community schools, and as part of removing the moratorium, requires the State Board to adopt rules prescribing measures to determine experience and quality of applicants seeking to open a new online community school. The proposed rule includes the following elements:

- The sponsor's experience with online schools;
- The operator's experience with online schools;
- The sponsor's and operator's previous records for student performance;
- A preference for operators with previous experience in Ohio.

As the statutory change arises from recently enacted HB 555, in order to meet the May 22<sup>nd</sup> statutory deadline to adopt this rule, the Capacity Committee is respectfully asked to consider the rule's review as an emergency filing. The Committee voted to recommend approval of the rule as proposed. There is an intent resolution concerning this rule on the State Board consent agenda this month.

### **Discuss proposed new Rule 3301-102-08, Standards for Measuring Sponsor Compliance with Applicable Laws and Rules:**

HB 555 requires the State Board to adopt rules that prescribe standards for measuring compliance with applicable state laws and rules governing all sponsors of community schools (Section 3314.016(B)(5) of the Ohio Revised Code).

The draft rule covers one of three components of the new sponsor evaluation system, and the only component for which rules must be adopted. There are twenty three compliance elements drawn directly from statute that will be reviewed, covering the categories of health and safety, education programs, finance, school operations, and governance. The law specifies the rating labels to be used and the rule provides the standards for each label.

As with at least one other rule, because the statutory change arises from recently enacted HB 555, in order to meet the July 1st statutory deadline to adopt this rule, the Capacity Committee is respectfully asked to consider the rule's review as an emergency filing. The rule is undergoing public review and comment; review by the Governor's Common Sense Initiative (CSI) process will be needed as a subset of sponsors are considered to be a business. This month the Committee heard an overview of the proposed new rule, and in March they will discuss and vote on the actual draft rule, with a concurrent full Board resolution of intent.

### **Update on Student Growth Measures:**

HB 555, which becomes effective on March 22, 2013, will require changes related to the use of Value Added data for teacher evaluation. Specifically, through June 30, 2014, the use of Value



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Added must constitute the *majority* of the 50 percent student growth measure required for evaluations if they teach only subjects in which value added data exists. Beginning July 1, 2014, the 50 percent student growth measure must be *exclusively* Value Added data for those who only teach Value Added subjects.

For those teachers who teach both Value Added subjects and other courses, beginning in 2013-2014, Value Added must be weighted proportionately to their teaching assignments. Staff presented an overview of the revised Student Growth Measures components and explained the implications of the new requirements, including their relationship to the future implementation of the PARCC assessments.

### **Update on the current status of issues related to the SEED School of Cincinnati:**

Jessica Voltolini, Department Assistant Legal Counsel, indicated that there was no new substantive information to share with the Committee at this time concerning proposed revisions to the SEED Operator Contract. Discussions with SEED are ongoing, and Ms. Voltolini will update the Committee as new information becomes available.

### **Update on ORC 3319.228 List of States with Inadequate Licensure Standards:**

Staff provided an update on the panel of experts work associated with enacting the second phase of ORC 3319.228, concerning the State Board's approval by July 1, 2013 of a list of states with standards for teacher licensure that are inadequate to ensure that a licensed teacher coming from that state who has taught for the immediate past five years is qualified for a professional Ohio educator license. The recommendations of the panel regarding whether any states should be removed from the preliminary list will be delivered to the Capacity Committee in March, in order to meet the statutory deadline of April 1 for these panel recommendations.

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

Chair: Angela Thi-Bennett, Vice Chair: Mike Collins

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

Chair Bennett and Co-Chair Collins reviewed the new direction of the Urban Education Committee relative to Section 4 of HB555. Included in Section 4 of HB555 is a requirement for the State Board of Education, specifically: *Not later than August 31, 2013, the state board of education shall submit to the General Assembly under section 101.68 of the Revised Code recommendations for a comprehensive statewide plan to intervene directly in and improve the performance of persistently poor performing schools and school districts.* (Attachment - Definitions)

The Committee on Urban Education is assigned the responsibility of developing the recommendations for "a comprehensive statewide plan to intervene directly in and improve the performance of persistently poor performing schools and school districts" to present to the Full Board for submission to the General Assembly not later than August 31, 2013.

Senior Executive Director Dr. John Richard presented an overview of the profile and support provided to the HB555 Section 4 schools, including the criteria for school closure. (Attachment – PowerPoint) Due to the scope of the definition, the traditional and community public schools identified range from rural to urban and Excellent with Distinction to Academic Emergency. The offices within the Center for Accountability and Continuous Improvement are and have been focused on providing support to the HB555 schools and districts based, in part, on the work of

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RttT and ESEA. Dr. Richard offered a comprehensive list of work to demonstrate how the Center Directors and their staff have been intervening directly in and working together with schools and districts to improve the performance of persistently poor performing schools.

Because of the full range of schools for which this requirement applies, in the process of developing recommendations, Chair Bennett and the Committee desires solution-focused feedback from the schools and districts impacted by this provision. Accordingly, in the coming months, the Committee will attend meetings with various education stakeholders as well as invite education stakeholders to Committee meetings. Committee members are reviewing a draft survey to send to the schools and districts subject to Section 4 of HB555 and will offer comments by Monday, February 18, 2013. In March, the Center for Accountability & Continuous Improvement will provide feedback on opportunities to improve the performance of persistently poor performing schools based on the work currently occurring in many of the identified schools and districts.

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### BOARD PRESENTATIONS AND DISCUSSION FROM THE APPOINTMENTS COMMITTEE

Chair: Joe Farmer, Vice Chair: Deb Cain

Mr. Farmer gave a report from the Appointments Committee meeting focusing on the following issues:

The Committee approved a motion to appoint Dustin Miller to the Educator Standards Board for the remainder of term to expire July 1, 2013, commencing February 12, 2013.

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

#### Consent Agenda (8): Volume 2

1. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE PERMANENT ELEMENTARY TEACHING CERTIFICATE OF TARA W. GRAHAM (VOLUME 2, PAGE 4)
2. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL EDUCATION OF THE HANDICAPPED TEACHING LICENSE OF DONNA L. MUNIZ (VOLUME 2, PAGE 6)
3. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE THREE-YEAR PUPIL ACTIVITY PERMIT AND FIVE-YEAR PROFESSIONAL SCHOOL PSYCHOLOGIST LICENSE OF DAVID L. PETREE (VOLUME 2, PAGE 8)
4. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE ONE-YEAR SUBSTITUTE TEACHING LICENSE AND TWO-YEAR ADOLESCENCE TO YOUNG ADULT ALTERNATIVE EDUCATOR LICENSE OF JOHN C. SEALS (VOLUME 2, PAGE 12)
5. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN

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ORDER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL COMPREHENSIVE HIGH SCHOOL TEACHING LICENSE OF ALAN L. STANLEY (VOLUME 2, PAGE 16)

6. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE THREE-YEAR PUPIL ACTIVITY PERMIT OF SCOTT D. STUDER (VOLUME 2, PAGE 18)
7. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL ELEMENTARY TEACHING LICENSE OF JEFFREY S. WARNER (VOLUME 2, PAGE 20)
8. RESOLUTION OF INTENT TO ADOPT RULE 3301-102-09 OF THE ADMINISTRATIVE CODE ENTITLED APPROVING APPLICATIONS FOR NEW INTERNET- OR COMPUTER-BASED COMMUNITY SCHOOLS (VOLUME 2, PAGE 22)

### **Territory Transfers (1): Volume 2**

9. RESOLUTION TO CONFIRM AND APPROVE THE RECOMMENDATION OF THE HEARING OFFICER AND TO DENY THE TRANSFER OF SCHOOL DISTRICT TERRITORY FROM THE COVENTRY LOCAL SCHOOL DISTRICT, SUMMIT COUNTY, TO THE BARBERTON CITY SCHOOL DISTRICT, SUMMIT COUNTY, PURSUANT TO SECTION 3311.24 OF THE OHIO REVISED CODE (VOLUME 2, PAGE 27)

Items 10 through 16 were school personnel resolutions.

### **Miscellaneous Resolutions/Motions (3): Volume 4**

17. RESOLUTION OF APPOINTMENT TO THE EDUCATOR STANDARDS BOARD (VOLUME 4, PAGE 4) (APPOINTMENTS COMMITTEE)
18. MOTION REGARDING 2013-2014 STATE BOARD MEETING DATES (VOLUME 4, PAGE 22) (EXECUTIVE COMMITTEE)
19. RESOLUTION TO APPROVE PROPOSED LEGISLATIVE RECOMMENDATIONS REGARDING OHIO'S POLICIES ON LITERACY EDUCATION FOR INDIVIDUALS FROM BIRTH THROUGH THIRD GRADE, AND TO DELEGATE AUTHORITY TO THE STATE BOARD OF EDUCATION MEMBERS ON THE THIRD GRADE READING GUARANTEE WORKGROUP TO FINALIZE THE RECOMMENDATIONS (VOLUME 4, PAGE 24) (THIRD GRADE READING GUARANTEE WORKGROUP)

### **Items for Consideration for Next Month**

There were no Items for Consideration for Next Month.

President Terhar recessed the State Board Business meeting at 3 p.m.

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President Terhar recessed the State Board meeting at 3 p.m.

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Following the meeting, the State Board’s Accountability Committee met.

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The Board’s Legislative and Budget Committee met beginning at 8:30 a.m. on February 12, 2013.

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**Full Board Presentation regarding the FY ‘14 – ‘15 Budget**

Kelly Weir, Executive Director, Office of Budgetary Planning and Legislative Services, led this presentation.

The State Board conducted an overview of the FY 14-15 budget beginning at 9:30 a.m.

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President Terhar reconvened the Business meeting of the State Board of Education on Tuesday, February 12, at 11 a.m.

President Terhar asked the Recording Secretary to call the roll.

**MEMBERS PRESENT**

Angela Thi Bennett	Deborah Cain
Michael Collins	Stephanie Dodd
Joe Farmer	Sarah Fowler
Thomas Gunlock	Jeffrey Hardin
Ann Jacobs	C. Todd Jones
Kathleen McGervey	Jeffrey Mims
Mary Rose Oakar	Mark Smith
Debe Terhar	Bryan C. Williams

**EX OFFICIO MEMBERS**

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

Tess Elshoff	Darryl D. Mehaffie
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NOTE: Mrs. Bennett, Mrs. Dodd and Mr. Hardin entered the room after roll call.

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President Terhar welcomed Board members and guests, and led the Board in the Pledge of Allegiance.

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President Terhar called for the approval of the Minutes of the January 2013 meeting. She asked if there were any corrections to the Minutes.

There were no corrections.

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

Motion carried unanimously.

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### **PUBLIC PARTICIPATION ON ACTION ITEMS**

There was no Public Participation on Action Items.

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### **BOARD PRESENTATIONS AND DISCUSSION FROM THE ACCOUNTABILITY COMMITTEE**

Chair: Tom Gunlock, Vice Chair: Bryan Williams

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

#### **Safe Harbor:**

The SBOE must make recommendations to the General Assembly to create a one-year safe harbor to exempt districts and schools from sanctions or penalties for the first year of the new PARCC-developed assessments are administered. Chris Woolard presented options for consideration. After much discussion, the Committee agreed on

- One-Year Reprieve from Sanctions
- Report 2014-15 Composite Grade, including 2014-15 Performance Index.
- If PI Safe Harbor provisions are met, then district or school would be exempt (for one year) from sanctions based on the Composite Grade or Performance Index.

#### **Gap Closing and AMOs:**

Tina Thomas-Manning facilitated a discussion around Gap Closing and AMOs. AMOs or Annual Measurable Objectives are the target proficiency goals for all students in reading and mathematics that are required under NCLB. AMOs are also determined for subgroup (n=30 or more) participation rate, attendance rate and graduation rate. The methodology for calculating the AMO component of the letter grade required under House Bill 555 has been established in Ohio's ESEA Flexibility Waiver that was approved by the U.S. Department of Education on May 29, 2012. The Committee was asked to approve adopting the grading scale that is in the ESEA waiver. The Committee unanimously approved.

#### **K-3 Literacy Component:**

Sasheen Philips led the first of many conversations on the K-3 Literacy measure – no final decisions are needed now. Later this year, the committee will to choose the actual measure for K-3 Literacy and set the grade benchmarks.

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### Communications Update:

Tina Thomas-Manning reviewed screenshots of the LRC pages on ODE's website. A new mailbox is open for public feedback, and the LRC page is updated weekly. Stakeholder feedback will continue to be sought.

### LRC Design Update:

Beth Juillerat gave a quick update on the LRC design, saying exploratory meetings are being scheduled with vendors who are experts in data visualization. There will be more information to come in future Accountability Committee meetings in regard to design.

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

Chair: Bryan Williams, Co-Chair: C. Todd Jones

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

Jeremy Marks, Department federal legislative liaison, Sue Zake and Tom Lather, from the Office of Exceptional Children, continued the discussion of the development of the federal platform for the State Board of Education for the reauthorization of the Individuals with Disabilities Act (IDEA).

- Sue Zake responded to the questions posed during the January meeting regarding the dramatic increase over the past decade in traumatic brain injuries among school-aged children.
- Tom Lather discussed the funding and maintenance of effort (MOE) of the Individuals with Disabilities Act (IDEA).
- Discussion on Part C will continue at the March committee meeting.

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President Terhar called on Acting Superintendent Sawyers for his report.

Acting Superintendent Sawyers updated the State Board on the following topics.

- Testimony being provided to the House Finance Appropriations Committee regarding the biennial operating budget.
- Race-to-the-Top (RttT)
- *Preparing Students for Success in Life*
- Letter from Auditor of State regarding attendance scrubbing

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

President Terhar presented the following recommendations (Items 1-7) on the Consent Agenda. President Terhar announced that Item 8 would be voted on separately:

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**1. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE PERMANENT ELEMENTARY TEACHING CERTIFICATE OF TARA W. GRAHAM**

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

WHEREAS Tara W. Graham holds a permanent elementary teaching certificate issued in 2003; and

WHEREAS on January 14, 2013, the Ohio Department of Education received a voluntary surrender form from Tara W. Graham, which authorizes the State Board to enter an order permanently revoking her permanent elementary teaching certificate issued in 2003 based upon allegations that Ms. Graham used inappropriate physical interventions to redirect a student; and

WHEREAS the form specifies that Tara W. Graham is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

WHEREAS Tara W. Graham has waived her right to a hearing and authorizes the State Board of Education to enter an order permanently revoking her permanent elementary teaching certificate issued in 2003; Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and Ohio Revised Code 3319.311(F), hereby **REVOKES** Tara W. Graham's permanent elementary teaching certificate issued in 2003 based upon allegations that Ms. Graham used inappropriate physical interventions to redirect a student. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Tara W. Graham 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. Graham of this action.

**2. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL EDUCATION OF THE HANDICAPPED TEACHING LICENSE OF DONNA L. MUNIZ**

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

WHEREAS Donna L. Muniz holds a five-year professional education of the handicapped teaching license issued in 2011; and

WHEREAS on January 15, 2013, the Ohio Department of Education received a voluntary surrender form from Donna L. Muniz, which authorizes the State Board to enter an order permanently revoking her five-year professional education of the handicapped teaching license issued in 2011 based upon Ms. Muniz's inappropriate use of disciplinary techniques on students in her class; and

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

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WHEREAS Donna L. Muniz has waived her right to a hearing and authorizes the State Board of Education to enter an order permanently revoking her five-year professional education of the handicapped 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** Donna L. Muniz's five-year professional education of the handicapped teaching license issued in 2011 based upon Ms. Muniz's inappropriate use of disciplinary techniques on students in her class. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Donna L. Muniz 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. Muniz of this action.

**3. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE THREE-YEAR PUPIL ACTIVITY PERMIT AND FIVE-YEAR PROFESSIONAL SCHOOL PSYCHOLOGIST LICENSE OF DAVID L. PETREE**

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

WHEREAS David L. Petree holds a three-year pupil activity permit issued in 2010 and five-year professional school psychologist license issued in 2008; and

WHEREAS on January 9, 2013, the Ohio Department of Education received a voluntary surrender form from David L. Petree, which authorizes the State Board to enter an order permanently revoking his three-year pupil activity permit issued in 2010 and five-year professional school psychologist license issued in 2008 based upon allegations that Mr. Petree failed to maintain appropriate boundaries with students; and

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

WHEREAS David L. Petree has waived his right to a hearing and authorizes the State Board of Education to enter an order permanently revoking his three-year pupil activity permit issued in 2010 and five-year professional school psychologist license issued in 2008: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and Ohio Revised Code 3319.311(F), hereby **REVOKES** David L. Petree's three-year pupil activity permit issued in 2010 and five-year professional school psychologist license issued in 2008 based upon allegations that Mr. Petree failed to maintain appropriate boundaries with students. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders David L. Petree 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. Petree of this action.

4. **RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE ONE-YEAR SUBSTITUTE TEACHING LICENSE AND TWO-YEAR ADOLESCENCE TO YOUNG ADULT ALTERNATIVE EDUCATOR LICENSE OF JOHN C. SEALS**

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

WHEREAS John C. Seals held a one-year substitute teaching license issued in 2011 and two-year adolescence to young adult alternative educator license issued in 2010; and

WHEREAS on January 3, 2013, the Ohio Department of Education received a voluntary surrender form from John C. Seals, which authorizes the State Board to enter an order permanently revoking his one-year substitute teaching license issued in 2011 and two-year adolescence to young adult alternative educator license issued in 2010 based upon allegations that Mr. Seals failed to maintain a professional relationship with his students; and

WHEREAS the form specifies that John C. Seals is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

WHEREAS John C. Seals has waived his right to a hearing and authorizes the State Board of Education to enter an order permanently revoking his one-year substitute teaching license issued in 2011 and two-year adolescence to young adult alternative educator license issued in 2010: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and Ohio Revised Code 3319.311(F), hereby **REVOKES** John C. Seals' one-year substitute teaching license issued in 2011 and two-year adolescence to young adult alternative educator license issued in 2010 based upon allegations that Mr. Seals failed to maintain a professional relationship with his students. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders John C. Seals 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. Seals of this action.

5. **RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL COMPREHENSIVE HIGH SCHOOL TEACHING LICENSE OF ALAN L. STANLEY**

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

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WHEREAS Alan L. Stanley holds a five-year professional comprehensive high school teaching license issued in 2008; and

WHEREAS on January 10, 2013, the Ohio Department of Education received a voluntary surrender form from Alan L. Stanley, which authorizes the State Board to enter an order permanently revoking his five-year professional comprehensive high school teaching license issued in 2008 based upon Mr. Stanley's inappropriate electronic contact with a student; and

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

WHEREAS Alan L. Stanley has waived his right to a hearing and authorizes the State Board of Education to enter an order permanently revoking his five-year professional comprehensive high school teaching license issued in 2008: 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** Alan L. Stanley's five-year professional comprehensive high school teaching license issued in 2008 based upon Mr. Stanley's inappropriate electronic contact with a student. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Alan L. Stanley 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. Stanley of this action.

**6. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE THREE-YEAR PUPIL ACTIVITY PERMIT OF SCOTT D. STUDER**

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

WHEREAS Scott D. Studer holds a three-year pupil activity permit issued in 2012; and

WHEREAS on January 4, 2013, the Ohio Department of Education received a voluntary surrender form from Scott D. Studer, which authorizes the State Board to enter an order permanently revoking his three-year pupil activity permit issued in 2012 based upon Mr. Studer's pending charges in the Massillon Municipal Court for six felony counts of illegal use of a minor in nudity-oriented material or performance; and

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

WHEREAS Scott D. Studer has waived his right to a hearing and authorizes the State Board of Education to enter an order permanently revoking his three-year pupil activity permit issued in 2012: Therefore, Be It

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RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and Ohio Revised Code 3319.311(F), hereby REVOKES Scott D. Studer's three-year pupil activity permit issued in 2012 based upon Mr. Studer's pending charges in the Massillon Municipal Court for six felony counts of illegal use of a minor in nudity-oriented material or performance. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Scott D. Studer 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. Studer of this action.

**7. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL ELEMENTARY TEACHING LICENSE OF JEFFREY S. WARNER**

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

WHEREAS Jeffrey S. Warner holds a five-year professional elementary teaching license issued in 2010; and

WHEREAS on January 9, 2013, the Ohio Department of Education received a voluntary surrender form from Jeffrey S. Warner, which authorizes the State Board to enter an order permanently revoking his five-year professional elementary teaching license issued in 2010 based upon Mr. Warner's current inability to resume his teaching career at this time due to very serious medical problems as a result of which Mr. Warner has applied for and been approved for disability benefits; and

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

WHEREAS Jeffrey S. Warner has waived his right to a hearing and authorizes the State Board of Education to enter an order permanently revoking his five-year professional elementary teaching license issued in 2010; Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and Ohio Revised Code 3319.311(F), hereby **REVOKES** Jeffrey S. Warner's five-year professional elementary teaching license issued in 2010 based upon Mr. Warner's current inability to resume his teaching career at this time due to very serious medical problems as a result of which Mr. Warner has applied for and been approved for disability benefits. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Jeffrey S. Warner 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. Warner of this action.

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It was Moved by Mr. Gunlock and Seconded by Mr. Collins that the Consent Agenda (Items 1-7) be approved.

President Terhar called for a roll call vote.

### YES VOTES

Angela Thi Bennett  
Stephanie Dodd  
Sarah Fowler  
Jeffrey Hardin  
C. Todd Jones  
Jeffrey Mims  
Mark Smith  
Bryan C. Williams

Michael Collins  
Joe Farmer  
Thomas Gunlock  
Ann Jacobs  
Kathleen McGervey  
Mary Rose Oakar  
Debe Terhar

Motion carried.

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

Mr. Gunlock requested emergency consideration on Item 8, due to the fact it is a part of HB 555. Board Leadership granted emergency consideration.

### 8. **RESOLUTION OF INTENT TO ADOPT RULE 3301-102-09 OF THE ADMINISTRATIVE CODE ENTITLED APPROVING APPLICATIONS FOR NEW INTERNET- OR COMPUTER-BASED COMMUNITY SCHOOLS**

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

WHEREAS Section 3314.013 of the Revised Code as enacted by House Bill 555 of the 129<sup>th</sup> General Assembly requires the State Board of Education to adopt rules for the purpose of prescribing measures to determine experience and quality of applicants for new internet- or computer-based community school that shall include the following elements:

- The sponsor's experience with online schools;
- The operator's experience with online schools;
- The sponsor's and operator's previous record for student performance;
- A preference for operators with previous experience in Ohio.

WHEREAS Rule 3301-102-09 of the Administrative Code defines such terms as internet- or computer-based community school, online school, and e-school; prescribes measures for determining the experience and quality of applicants to develop new internet- or computer-based community schools; and establishes that the application, directions for completion and submission, as well as the review, selection and notification processes shall be posted on the department's website along with a list of applications received and their review and outcome status; and

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WHEREAS Section 3314.013 of the Revised Code requires the State Board to adopt the rule so that it can be made effective not later than the sixty-first day after the effective date of the legislation, which would be May 22, 2013; and

WHEREAS stakeholder input was solicited through various means, including web-postings, an interactive online stakeholder feedback session, and various internal and external meetings and conference calls; and

WHEREAS the Capacity Committee, at its February 2013 meeting, voted to recommend adoption of the proposed rule to the State Board of Education:  
Therefore, Be It

RESOLVED, That the State Board of Education hereby declares its intent to adopt proposed Rule 3301-102-09 of the Administrative Code, which is attached 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 rule and the same be made available upon request, without charge, to all persons affected by said rule; and, Be It

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

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

It was Moved by Mr. Gunlock that the above recommendation (Item 8) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett  
Stephanie Dodd  
Sarah Fowler  
Jeffrey Hardin  
C. Todd Jones  
Jeffrey Mims  
Mark Smith  
Bryan C. Williams

Michael Collins  
Joe Farmer  
Thomas Gunlock  
Ann Jacobs  
Kathleen McGervey  
Mary Rose Oakar  
Debe Terhar

Motion carried.

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President Terhar presented the following recommendation (Item 9):

**9. RESOLUTION TO CONFIRM AND APPROVE THE RECOMMENDATION OF THE HEARING OFFICER AND TO DENY THE TRANSFER OF SCHOOL DISTRICT TERRITORY FROM THE COVENTRY LOCAL SCHOOL DISTRICT, SUMMIT COUNTY, TO THE BARBERTON CITY SCHOOL DISTRICT, SUMMIT COUNTY, PURSUANT TO SECTION 3311.24 OF THE OHIO REVISED CODE**

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

WHEREAS, the State Board of Education did, on June 12, 2012, declare its intention to consider the request to transfer certain school district territory from the Coventry Local School District, Summit County, to the Barberton City School District, Summit County, pursuant to Section 3311.24 of the Ohio Revised Code; and

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

WHEREAS, a hearing was requested by the petitioners, and the hearing was held on October 9, 2012, before Hearing Officer Ronda Shamansky, and

WHEREAS, the Hearing Officer, in her report of November 7, 2012, recommends that the State Board of Education disapprove the proposed transfer of territory from the Coventry Local School District, Summit County, to the Barberton City School District, Summit County, pursuant to Ohio Revised Code Section 3311.24; and

WHEREAS, no party has filed objections to the hearing officer's report and recommendation: Therefore, Be It

**RESOLVED**, that upon consideration of the hearing officer's report and recommendation, the State Board of Education hereby confirms and approves the recommendation of the hearing officer and disapproves the request for the transfer of territory from the Coventry Local School District, Summit County, to the Barberton City School District, Summit County; and Be It

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

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

Mr. Jones stated that this is exactly the type of case the Board should be supporting in rejecting a transfer due to this being a tax grab in an attempt to secure land with no students residing there for the gain of revenue from one district to another.

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Mr. Gunlock stated he believed this was a tax grab and supported the findings of the Hearing Officer.

President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett	Michael Collins
Stephanie Dodd	Joe Farmer
Sarah Fowler	Thomas Gunlock
Jeffrey Hardin	Ann Jacobs
C. Todd Jones	Kathleen McGervey
Jeffrey Mims	Mary Rose Oakar
Mark Smith	Debe Terhar
Bryan C. Williams	

Motion carried.

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

**10. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE PERMANENTLY THE FIVE-YEAR LONG TERM SUBSTITUTE TEACHING LICENSE OF JEFFERY C. BOYES**

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

WHEREAS Jeffery C. Boyes holds a five-year long term substitute teaching license issued in 2008; and

WHEREAS on March 28, 2012, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Jeffery C. Boyes of its intent to determine whether to limit, suspend, revoke, or permanently revoke his five-year long term substitute teaching license issued in 2008 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Boyes' 2011 conviction in the Canton Municipal Court for one misdemeanor count of disorderly conduct which stemmed from him waving a hatchet toward an adult male during a verbal altercation at a gas station and threatening to get his gun and shoot the male victim; and

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

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

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

WHEREAS the hearing officer recommends that Mr. Boyes' five-year long term substitute teaching license issued in 2008 be revoked and he be permanently ineligible to apply for any license issued by the State Board. The hearing officer's

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recommendation is based upon Mr. Boyes engaging in conduct which is sufficiently serious, dangerous, and unbecoming to warrant a permanent revocation: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Jeffery C. Boyes' five-year long term substitute teaching license issued in 2008 based upon Mr. Boyes' 2011 conviction in the Canton Municipal Court for one misdemeanor count of disorderly conduct which stemmed from him waving a hatchet toward an adult male during a verbal altercation at a gas station and threatening to get his gun and shoot the male victim. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Jeffery C. Boyes 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. Boyes of this action.

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

President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett  
Stephanie Dodd  
Sarah Fowler  
Jeffrey Hardin  
C. Todd Jones  
Jeffrey Mims  
Mark Smith  
Bryan C. Williams

Michael Collins  
Joe Farmer  
Thomas Gunlock  
Ann Jacobs  
Kathleen McGervey  
Mary Rose Oakar  
Debe Terhar

Motion carried.

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

**11. RESOLUTION TO REVOKE THE THREE-YEAR PUPIL ACTIVITY PERMIT OF DAVID A. GYORFI**

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

WHEREAS David A. Gyorfi holds a three-year pupil activity permit issued in 2012; and

WHEREAS on November 14, 2012, the Acting State Superintendent of Public Instruction, on behalf of the State Board of Education, notified David A. Gyorfi of its intent to determine whether to limit, suspend, revoke, or permanently revoke his three-year pupil activity permit issued in 2012 pursuant to Ohio Revised Code



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3319.31(B)(1), (B)(2)(a), (B)(2)(d), and (B)(3). The notice was based upon Mr. Gyorfi's 2012 guilty plea in the Cuyahoga County Common Pleas Court to one felony count of possession of drugs and one misdemeanor count of possession of drugs and his subsequent acceptance into the court's intervention in lieu of conviction program; and

WHEREAS the notice informed Mr. Gyorfi that if he fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code, the State Board of Education will proceed to determine whether to limit, suspend, revoke, or permanently revoke his three-year pupil activity permit issued in 2012; and

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

WHEREAS the State Board of Education has reviewed the affidavit of the Director of the Office of Professional Conduct, Notice of the State Board of Education's Intended Action and Opportunity for a Hearing, and certified court records from the Cuyahoga County Common Pleas 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: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(a), (B)(2)(d), and (B)(3), hereby REVOKES David A. Gyorfi's three-year pupil activity permit issued in 2012 based upon Mr. Gyorfi's 2012 guilty plea in the Cuyahoga County Common Pleas Court to one felony count of possession of drugs and one misdemeanor count of possession of drugs and his subsequent acceptance into the court's intervention in lieu of conviction program. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that David A. Gyorfi be ineligible to apply for any license issued by the State Board of Education until on or after three years have elapsed since he is released from the court's treatment in lieu of conviction program or the criminal case is otherwise fully resolved; and, Be It Further

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

It was Moved by Ms. Jacobs and Seconded by Ms. McGervey that the above recommendation (Item 11) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett  
Stephanie Dodd  
Sarah Fowler  
Jeffrey Hardin  
Kathleen McGervey

Michael Collins  
Joe Farmer  
Thomas Gunlock  
Ann Jacobs  
Jeffrey Mims

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Mary Rose Oakar  
Debe Terhar

Mark Smith  
Bryan C. Williams

ABSTAIN

C. Todd Jones

Motion carried.

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

**12. RESOLUTION TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL HIGH SCHOOL TEACHING LICENSE OF DANIEL W. KLEIN**

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

WHEREAS Daniel W. Klein holds a five-year professional high school teaching license issued in 2010; and

WHEREAS on November 16, 2012, the Acting State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Daniel W. Klein of its intent to determine whether to limit, suspend, revoke, or permanently revoke his five-year professional high school teaching license issued in 2010 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Klein's 2012 conviction in the Massillon Municipal Court for two misdemeanor counts of voyeurism. The victims of the offenses were female staff members of the Fairless Local School District; and

WHEREAS the notice informed Mr. Klein 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 five-year professional high school teaching license issued in 2010; and

WHEREAS Daniel W. Klein 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 Massillon Municipal Court, and certified records from the Brewster Police Department; and

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

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RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Daniel W. Klein's five-year professional high school teaching license issued in 2010 based upon Mr. Klein's 2012 conviction in the Massillon Municipal Court for two misdemeanor counts of voyeurism. The victims of the offenses were female staff members of the Fairless Local School District. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Daniel W. Klein 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. Klein of this action.

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

Ms. Kelly noted that page 42 of the backup materials inadvertently listed Mr. Klein's school district as Fairborn, when it should have stated Fairless Local Schools. The resolution correctly states Fairless Local Schools.

President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett  
Stephanie Dodd  
Sarah Fowler  
Jeffrey Hardin  
C. Todd Jones  
Jeffrey Mims  
Mark Smith  
Bryan C. Williams

Michael Collins  
Joe Farmer  
Thomas Gunlock  
Ann Jacobs  
Kathleen McGervey  
Mary Rose Oakar  
Debe Terhar

Motion carried.

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

**13. RESOLUTION TO REVOKE PERMANENTLY THE FOUR-YEAR EDUCATIONAL AIDE PERMIT OF BETTY L. LUCAS**

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

WHEREAS Betty L. Lucas holds a four-year educational aide permit issued in 2009; and

WHEREAS on November 13, 2012, the Acting State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Betty L. Lucas of its intent to determine whether to limit, suspend, revoke, or permanently revoke her four-year educational aide permit issued in 2009 pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(a), and (B)(2)(c). The notice was based upon Ms. Lucas' 2011 conviction in the Clermont County Court of Common Pleas for one felony

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count of theft and 2012 conviction in the Hamilton County Municipal Court for one misdemeanor count of unlawful use of property; and

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

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

WHEREAS the State Board of Education has reviewed the affidavit of the Director of the Office of Professional Conduct, Notice of the State Board of Education's Intended Action and Opportunity for a Hearing, certified court records from the Clermont County Court of Common Pleas and Hamilton County Municipal Court, and certified records from the Clermont County Sheriff's Department; and

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(a), and (B)(2)(c), hereby REVOKES Betty L. Lucas' four-year educational aide permit issued in 2009 based upon Ms. Lucas' 2011 conviction in the Clermont County Court of Common Pleas for one felony count of theft and 2012 conviction in the Hamilton County Municipal Court for one misdemeanor count of unlawful use of property. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Betty L. Lucas 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. Lucas of this action.

It was Moved by Mrs. Dodd and Seconded by Ms. Fowler that the above recommendation (Item 13) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett  
Stephanie Dodd  
Sarah Fowler  
Ann Jacobs  
Kathleen McGervey  
Mary Rose Oakar  
Debe Terhar

Michael Collins  
Joe Farmer  
Thomas Gunlock  
C. Todd Jones  
Jeffrey Mims  
Mark Smith  
Bryan C. Williams

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ABSTAIN

Jeffrey Hardin

Motion carried.

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

**14. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL EDUCATION OF THE HANDICAPPED TEACHING LICENSE OF PATRICIA I. SHIELDS**

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

WHEREAS Patricia I. Shields held a five-year professional education of the handicapped teaching license issued in 2007; and

WHEREAS on July 19, 2012, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Patricia I. Shields of its intent to determine whether to limit, suspend, revoke, or permanently revoke her five-year professional education of the handicapped teaching license issued in 2007 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Shields engaging in conduct unbecoming an educator in January 2011 when she exhibited inappropriate behavior towards a student and made inappropriate comments to the student. Specifically, Ms. Shields engaged in the following unbecoming conduct: she pulled a chair from underneath the student for not following directives; she grabbed the student's binder, threw the binder in the hallway, and then left her classroom unattended to kick the binder down the hallway; she proceeded to interrupt another teacher's class and told the teacher to remove the student from Ms. Shields' classroom; and she engaged in name calling, yelling, using obscenities and making threatening remarks to/about the student; and

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

WHEREAS a hearing was held on November 26, 2012; and

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

WHEREAS the hearing officer recommends that Ms. Shields' five-year professional education of the handicapped teaching license be revoked and she be permanently ineligible to apply for any license issued by the State Board. The hearing officer's recommendation is based upon Ms. Shields' egregious conduct, her irrational and uncontrolled temper placing the student and her unsupervised class at risk, and her potential return to the classroom would negatively impact the health, safety and welfare of the school community: Therefore, Be It

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RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Patricia I. Shields' five-year professional education of the handicapped teaching license issued in 2007 based Ms. Shields engaging in conduct unbecoming an educator in January 2011 when she exhibited inappropriate behavior towards a student and made inappropriate comments to the student. Specifically, Ms. Shields engaged in the following unbecoming conduct: she pulled a chair from underneath the student for not following directives; she grabbed the student's binder, threw the binder in the hallway, and then left her classroom unattended to kick the binder down the hallway; she proceeded to interrupt another teacher's class and told the teacher to remove the student from Ms. Shields' classroom; and she engaged in name calling, yelling, using obscenities and making threatening remarks to/about the student. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Patricia I. Shields 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. Shields of this action.

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

President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett  
Stephanie Dodd  
Sarah Fowler  
Jeffrey Hardin  
C. Todd Jones  
Jeffrey Mims  
Mark Smith  
Bryan C. Williams

Michael Collins  
Joe Farmer  
Thomas Gunlock  
Ann Jacobs  
Kathleen McGervey  
Mary Rose Oakar  
Debe Terhar

Motion carried.

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

**15. RESOLUTION TO DENY PERMANENTLY THE ONE-YEAR SHORT TERM SUBSTITUTE TEACHING LICENSE APPLICATION OF JEREMY R. WEHR**

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

WHEREAS Jeremy R. Wehr has applied for a one-year short term substitute teaching license; and

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WHEREAS on November 21, 2012, the Acting State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Jeremy R. Wehr 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) and (F). The notice was based upon Mr. Wehr's 2005 conviction in the Cambridge Municipal Court for one misdemeanor count of operating a vehicle while under the influence of alcohol or drugs, 2005 conviction in a separate case in the Cambridge Municipal Court for one misdemeanor count of disorderly conduct, and California nursing license being revoked in 2010 for him making false and incorrect entries into medical records pertaining to controlled substances, taking drugs prescribed to patients and then making false or incorrect entries in medical records to conceal the theft, admitting he was a habitual user of heroin, using a controlled substance in a manner dangerous to the public and himself, leaving threatening voice mail messages and text messages for hospital staff, and failing to comply with the California Board of Registered Nursing's Diversion Program; and

WHEREAS the notice informed Mr. Wehr 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 short term substitute teaching license; and

WHEREAS Jeremy R. Wehr 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 Cambridge Municipal Court, certified police records from the Guernsey County Sheriff's Office, and certified records from the California Board of Registered Nursing; 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 (F), hereby DENIES Jeremy R. Wehr's application for a one-year short term substitute teaching license based upon Mr. Wehr's 2005 conviction in the Cambridge Municipal Court for one misdemeanor count of operating a vehicle while under the influence of alcohol or drugs, 2005 conviction in a separate case in the Cambridge Municipal Court for one misdemeanor count of disorderly conduct, and California nursing license being revoked in 2010 for him making false and incorrect entries into medical records pertaining to controlled substances, taking drugs prescribed to patients and then making false or incorrect entries in medical records to conceal the theft, admitting he was a habitual user of heroin, using a controlled substance in a manner dangerous to the public and himself, leaving threatening voice mail messages and text messages for hospital staff, and failing to comply with the California Board of Registered Nursing's Diversion Program. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders Jeremy R. Wehr

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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. Wehr of this action.

It was Moved by Dr. Smith and Seconded by Mr. Collins that the above recommendation (Item 15) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett	Michael Collins
Stephanie Dodd	Joe Farmer
Sarah Fowler	Thomas Gunlock
Jeffrey Hardin	Ann Jacobs
Kathleen McGervey	Jeffrey Mims
Mary Rose Oakar	Mark Smith
Debe Terhar	Bryan C. Williams

**ABSTAIN**

C. Todd Jones

Motion carried.

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

**16. RESOLUTION TO REVOKE PERMANENTLY THE FIVE-YEAR LONG TERM ADOLESCENCE TO YOUNG ADULT SUBSTITUTE TEACHING LICENSE OF NAOMI D. WRIGHT**

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

WHEREAS Naomi D. Wright holds a five-year long term adolescence to young adult substitute teaching license issued in 2008; and

WHEREAS on November 16, 2012, the Acting State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Naomi D. Wright of its intent to determine whether to limit, suspend, revoke, or permanently revoke her five-year long term adolescence to young adult substitute teaching license issued in 2008 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Wright's 2010 guilty plea in the Cuyahoga County Common Pleas Court to one misdemeanor count of interference of custody. The victim of the offense was a student; and

WHEREAS the notice informed Ms. Wright that if she fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code, the State Board of Education will proceed to determine whether to limit, suspend,



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revoke, or permanently revoke her five-year long term adolescence to young adult substitute teaching license issued in 2008; and

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

WHEREAS the State Board of Education has reviewed the affidavit of the Director of the Office of Professional Conduct, Notice of the State Board of Education's Intended Action and Opportunity for a Hearing, certified court records from the Cuyahoga County Common Pleas Court, and certified records from the Cleveland Division of Police; and

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Naomi D. Wright's five-year long term adolescence to young adult substitute teaching license issued in 2008 based upon Ms. Wright's 2010 guilty plea in the Cuyahoga County Common Pleas Court to one misdemeanor count of interference of custody. The victim of the offense was a student. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Naomi D. Wright 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. Wright of this action.

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

President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett  
Stephanie Dodd  
Sarah Fowler  
Jeffrey Hardin  
C. Todd Jones  
Jeffrey Mims  
Mark Smith  
Bryan C. Williams

Michael Collins  
Joe Farmer  
Thomas Gunlock  
Ann Jacobs  
Kathleen McGervey  
Mary Rose Oakar  
Debe Terhar

Motion carried.

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Mr. Farmer presented the following recommendation (Item 17):

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**17. RESOLUTION OF APPOINTMENT TO THE EDUCATOR STANDARDS BOARD**

The Board Appointments Team **RECOMMENDS** that the State Board of Education **ADOPT** the following Resolution:

WHEREAS Ohio Revised Code Section 3319.60 provides for the creation of an Educator Standard Board charged with bringing to the State Board of Education recommendations on standards for teachers and principals, professional development and other educator-related items; and

WHEREAS Ohio Revised Code Section 3319.60 directed the State Board of Education to appoint to the Educator Standards Board ten public school teachers, one non-public school teacher, five administrators, one school board member and one parent representative; and

WHEREAS one appointed member has resigned; and

WHEREAS the designated stakeholder groups have nominated two individuals for the open seat on the Educator Standards Board; and

WHEREAS the Board Appointments Team has reviewed the nominations for said Board: Therefore, Be It

RESOLVED, That the State Board of Education hereby appoints the following individual to the Educator Standards Board for the remainder of term to expire July 1, 2013, commencing February 12, 2013:

Dustin Miller	Middle School Principal, Ohio Association of Secondary School Administrators (OASSA)
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It was Moved by Mr. Farmer that the above recommendation (Item 17) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett	Michael Collins
Stephanie Dodd	Joe Farmer
Sarah Fowler	Thomas Gunlock
Jeffrey Hardin	Ann Jacobs
C. Todd Jones	Kathleen McGervey
Jeffrey Mims	Mary Rose Oakar
Mark Smith	Debe Terhar
Bryan C. Williams	

Motion carried.

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President Terhar presented the following recommendation (Item 18):

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**18. MOTION REGARDING 2013-2014 STATE BOARD MEETING DATES**

The Executive Committee **MOVES** that the State Board of Education **ADOPT** the following State Board meeting calendar for August 2013 through July 2014.

**2013-2014 STATE BOARD OF EDUCATION MEETING DATES**

August – No Meeting

September 9-10, 2013 (Monday/Tuesday)

October 7-8, 2013 (Monday/Tuesday)

November 11-12, 2013 (Monday/Tuesday)

December 9-10, 2013 (Monday/Tuesday)

January 13-14, 2014 (Monday/Tuesday)

February 10-11, 2014 (Monday/Tuesday)

March 10-11, 2014 (Monday/Tuesday)

April 14-15, 2014 (Monday/Tuesday)

May 12-13, 2014 (Monday/Tuesday)

June 9-10, 2014 (Monday/Tuesday)

July 14-15, 2014 (Monday/Tuesday)

*Adopted by the State Board on February 12, 2013*

NOTE: *Meetings may also begin on Sunday.*

It was Moved by President Terhar that the above recommendation (Item 18) be approved.

President Terhar called for a voice vote.

Motion carried.

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President Terhar presented the following recommendation (Item 19):

**19. RESOLUTION TO APPROVE PROPOSED LEGISLATIVE RECOMMENDATIONS REGARDING OHIO'S POLICIES ON LITERACY EDUCATION FOR INDIVIDUALS FROM BIRTH THROUGH THIRD GRADE, AND TO AUTHORIZE THE STATE BOARD OF EDUCATION**

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**MEMBERS ON THE THIRD GRADE READING GUARANTEE  
WORKGROUP TO EFFECTUATE THE FINAL RECOMMENDATIONS**

The Third Grade Reading Guarantee Workgroup **RECOMMENDS** that the State Board of Education **ADOPT** the following Resolution:

WHEREAS Am. Sub. S.B. 316 enacted the Third Grade Reading Guarantee to ensure that all Ohio students are reading at grade level by the end of third grade; and

WHEREAS §733.30 of S.B. 316 required that the State Board of Education and the Early Childhood Advisory Council, in consultation with the Governor's Office of 21<sup>st</sup> Century Education, to develop legislative recommendations regarding the State's policies on literacy education for individuals from birth through third grade, with the goal of increasing kindergarten readiness, reading proficiency in kindergarten through third grade, and increasing school success and college-and career-readiness for Ohio's children, and to submit these recommendations to the Governor and the General Assembly, not later than February 28, 2013; and

WHEREAS four members of the State Board of Education were named to a Third Grade Reading Guarantee Workgroup in the fall of 2012, which also includes five members of the Early Childhood Advisory council, and members of the Governor's Office of 21<sup>st</sup> Century Education; and

WHEREAS the Third Grade Reading Guarantee Workgroup has held regularly scheduled meetings from November 2012 through January 2013, where the group consulted with state and national experts to generate the recommendations that are now being submitted to the State Board of Education for approval; and

WHEREAS the Early Childhood Advisory Council will meet later this month to review these same recommendations; and

WHEREAS the recommendations must be submitted to the Governor and the General Assembly prior to the next regularly scheduled meeting of the State Board of Education: Therefore, Be It

RESOLVED that the State Board of Education hereby approves the proposed recommendations that have been presented to it on this date; and, Be It

FURTHER RESOLVED that the State Board of Education hereby authorizes the four members of the State Board on the Third Grade Reading Guarantee Workgroup to effectuate the final recommendations by the statutory deadline of February 28, 2013 on its behalf.

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

President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett  
Stephanie Dodd

Michael Collins  
Joe Farmer

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Thomas Gunlock  
C. Todd Jones  
Mary Rose Oakar  
Debe Terhar

Ann Jacobs  
Jeffrey Mims  
Mark Smith  
Bryan C. Williams

**NO VOTES**

Sarah Fowler  
Kathleen McGervey

Jeffrey Hardin

Motion carried.

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President Terhar presented the following recommendation (Item 20):

Board leadership granted emergency consideration for Item 20.

**20. MOTION TO ACCEPT THE RECOMMENDATION OF THE ACTING SUPERINTENDENT OF PUBLIC INSTRUCTION TO RELEASE THE LOCAL REPORT CARDS FOR THE 2011-2012 SCHOOL YEAR**

I **RECOMMEND** that the State Board of Education **ADOPT** the above motion.

It was Moved by Mrs. Dodd and Seconded by Mr. Jones that the above recommendation (Item 20) be approved.

President Terhar called for a roll call vote.

**YES VOTES**

Angela Thi Bennett  
Stephanie Dodd  
Sarah Fowler  
Jeffrey Hardin  
C. Todd Jones  
Jeffrey Mims  
Mark Smith  
Bryan C. Williams

Michael Collins  
Joe Farmer  
Thomas Gunlock  
Ann Jacobs  
Kathleen McGervey  
Mary Rose Oakar  
Debe Terhar

Motion carried.

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President Terhar presented the following recommendation (Item 21):

**21. RESOLUTION TO AFFIRM KIDS COUNT OF DAYTON, INC.'S DECISION TO TERMINATE ITS CONTRACT WITH SCHOLARTS PREPARATORY & CAREER CENTER FOR CHILDREN**

The hearing officer **RECOMMENDS** that the State Board of Education **ADOPT** the following Resolution affirming the decision by Kids Count of Dayton, Inc. (Kids Count) to

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terminate its community school contract with ScholArts Preparatory & Career Center for Children (ScholArts Preparatory):

WHEREAS A sponsor of a community school may choose to terminate its contract with a community school prior to the contract's expiration for certain statutory reasons in accordance with Ohio Revised Code (ORC) 3314.07(B); and

WHEREAS Kids Count, the sponsor for ScholArts Preparatory (000277), a community school established per ORC Chapter 3314, notified the ScholArts Preparatory governing board of its intent to terminate its community school contract with ScholArts Preparatory in accordance with ORC 3314.07(B)(1) for: (1) failure to meet generally accepted standards of fiscal management; (2) violation of provisions of the community school contract and state law; and (3) other good cause; and

WHEREAS ScholArts Preparatory timely requested an informal hearing before the sponsor pursuant to ORC 3314.07(B)(3); and

WHEREAS an informal hearing was held and Kids Count thereafter timely issued to ScholArts Preparatory a written decision affirming its decision to terminate the community school contract pursuant to ORC 3314.07(B)(3); and

WHEREAS ScholArts Preparatory timely filed with the State Board of Education a Notice to Appeal the Termination of the Community School Contract by Kids Count of Dayton, Inc. in accordance with ORC 3314.07(B)(4); and

WHEREAS the State Board of Education adopted a Resolution during its December 2012 meeting authorizing the Acting Superintendent of Public Instruction, on behalf of the Board, to designate a hearing examiner to conduct an appeal hearing authorized by ORC 3314.07(B)(4) and make a recommendation on the matter to the Board; and

WHEREAS a hearing examiner was appointed and the appeal hearing was held on January 28, 2013; and

WHEREAS the hearing officer issued a Report and Recommendation on February 8, 2013, recommending that the Board affirm the decision of Kids Count to terminate its community school contract with ScholArts Preparatory: Therefore, Be It

RESOLVED, the State Board of Education hereby affirms Kids Count of Dayton, Inc.'s decision to terminate its contract with ScholArts Preparatory & Career Center for Children; and, Be It

FURTHER RESOLVED, that pursuant to ORC 3314.07(B)(4), the State Board of Education hereby sets the effective date of termination as the date upon which this Resolution is certified by the Acting Superintendent of Public Instruction; and, Be It

FURTHER RESOLVED, that the Acting Superintendent of Public Instruction is hereby directed to serve a copy of this Resolution upon the parties and counsel of record.

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

Mr. Hardin objected to considering this item today. He stated that he had just received over 300 pages of data from the Hearing Officer today and felt it would be appropriate to postpone this issue till the next Board meeting. Mr. Hardin Moved to postpone the Scholarts issue till the March Board meeting. Mr. Williams Seconded the motion. Mr. Hardin stated he had deep concerns with the legal issues involved and felt he needed more time to ponder those issues. Mr. Williams clarified that he seconded the motion due to the fact that this is in essence a death sentence for the school and having just one day to review the material is not reasonable.

Mr. Casey clarified for the Board the resolution and Report & Recommendation had been sent to Board members last Friday. Exhibits and Transcripts of the Hearing were sent to the Board yesterday.

Mrs. Dodd stated she was opposed to postponing this issue till the next Board meeting.

President Terhar called for a roll call vote on the proposed motion by Mr. Hardin to postpone Item 21 till the next Board meeting.

### YES VOTES

Joe Farmer  
Kathleen McGervey

Jeffrey Hardin  
Bryan C. Williams

### NO VOTES

Angela Thi Bennett  
Stephanie Dodd  
Thomas Gunlock  
C. Todd Jones  
Mary Rose Oakar

Michael Collins  
Sarah Fowler  
Ann Jacobs  
Jeffrey Mims  
Mark Smith

### ABSTAIN

Debe Terhar

Motion denied.

Ms. Oakar asked how quickly the students would be transferred to new schools. Mrs. Voltolini, Assistant Legal Counsel stated the parties involved would be notified as soon as Acting Superintendent Sawyers signed the certified resolution.

Dr. Smith stated that he had concerns with moving the students in the middle of the school year. Mr. Casey responded that the sponsor of Scholarts brought action to terminate the contract prior to the end of the school year.

Mr. Jones stated that if an entity is engaging in inappropriate financial activity in a way that it makes it impossible to determine whether that entity is complying with the fiscal obligations it has under state statute, the legislature has obligated the Board after a finding of fact on that basis to take steps to ensure that state dollars are protected.

Mr. Farmer stated the Board needed to do what was in the best interest of the students. President Terhar called for a roll call vote.

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Mr. Jones Moved to recess for five minutes. Mr. Williams Seconded the motion. Vice President Gunlock asked for consensus for a voice vote. Board members agreed. Vice President Gunlock requested a voice vote. Motion Passed

Mr. Williams stated he is still not prepared to take a vote on this issue due to not having enough time to review the record and noted parents have chosen for their children to remain in Scholarts.

Mrs. Voltolini clarified that there were documents provided by the Department regarding the Full Time Equivalency review conducted in December.

Mr. Hardin noted the academic record of the public school where these students would return to is unknown and that parents had chosen to send their children to a charter school.

Vice President Gunlock called for a roll call vote on the original motion.

**YES VOTES**

Angela Thi Bennett  
Stephanie Dodd  
Sarah Fowler  
Ann Jacobs  
Jeffrey Mims  
Mark Smith

Michael Collins  
Joe Farmer  
Thomas Gunlock  
C. Todd Jones  
Mary Rose Oakar

**NO VOTES**

Jeffrey Hardin  
Bryan C. Williams

Kathleen McGervey

Motion carried.

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President Terhar presented Ms. Janet Gordon, Interim Superintendent, Ohio School for the Deaf, a certificate of appreciation to the Ohio School for the Deaf for hosting meetings of the State Board of Education.

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

The President requested a voice vote.

Motion carried.

President Terhar adjourned the meeting at 3:15 p.m. The next regularly scheduled meeting of the State Board of Education is March 11-12, 2013.

ATTEST:



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Debe Terhar  
President  
State Board of Education



Michael Sawyers  
Acting Superintendent of Public Instruction

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