

Minutes of the January 2013 Meeting of the State Board of Education of Ohio

**STATE BOARD OF EDUCATION OF OHIO
MINUTES**

January 2013
Ohio School for the Deaf
500 Morse Road
Columbus, Ohio 43214

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 A. 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

Mrs. Elshoff was absent on Tuesday.

The State Board convened on Monday, January 14, 2013, at the Ohio School for the Deaf in Columbus.

President Terhar called the Biennial Organization Meeting to order.

OATH OF OFFICE

President Terhar read the certifications of election and executive appointments.

At 8:30 a.m., Supreme Court Justice , Justice Sharon Kennedy, The Supreme Court of Ohio, administered the Oath of Office to the following members of the State Board of Education:

Elected Board Members: Michael Collins, Stephanie Dodd, Sarah Fowler, Jeff Hardin, Ann Jacobs, Mary Rose Oakar and Bryan Williams.

Appointed Board Members: Angela Thi Bennett, C. Todd Jones, Darryl Mehaffie and Mark Smith.

President Terhar asked the Recording Secretary to call the roll.

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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
Darryl D. Mehaffie	Jeffrey Mims
Mary Rose Oakar	Mark A. Smith
Debe Terhar	Bryan C. Williams

Acting Superintendent Sawyers welcomed new Board members as well as current Board members.

ELECTION OF OFFICERS

State Board members had been provided information on the election of new State Board officers and the Board's biennial organization meeting.

The President reviewed the election process and appointed Vice President Gunlock to preside over the election process for the position of president of the State Board.

Nomination and Election of President

The Vice President opened the floor for nominations for president.

Ms. Oakar nominated Debe Terhar for President. Vice President Gunlock asked if there were any other nominations for president. There were no other nominations for president.

Mr. Hardin Moved to close nominations for president. Mr. Mims Seconded the motion. Vice President Gunlock called for a voice vote to close nominations. Motion carried.

Vice President Gunlock called for a roll call vote by each Board member to say the name of the candidate they would be voting for.

ROLL CALL VOTES

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

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Vice President Gunlock announced that Debe Terhar had been elected as President of the State Board of Education for 2013-2014.

Nomination and Election of Vice President

The President opened the floor for nominations for vice president.

Mr. Collins nominated Thomas Gunlock for Vice President. President Terhar asked if there were any other nominations for vice president. There were no other nominations for vice president.

Mr. Mims Moved to close nominations for vice president. Mrs. Elshoff Seconded the motion. President Terhar called for a voice vote to close nominations. Motion carried.

President Terhar called for a roll call vote by each Board member to say the name of the candidate they would be voting for.

ROLL CALL VOTES

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

President Terhar announced that Thomas Gunlock had been elected as Vice President of the State Board of Education for 2013-2014.

President Terhar adjourned the Biennial Organization meeting at 9:15 a.m.

The Board took a brief recess.

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

The Board's Achievement, Capacity and Committee on Urban Education met beginning at 9:45 a.m.

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The State Board recessed for lunch.

President Terhar convened the Business Meeting of the State Board of Education on Monday, January 14, at 1 p.m.

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
Darryl D. Mehaffie	Jeffrey Mims
Mary Rose Oakar	Mark A. Smith
Debe Terhar	Bryan C. Williams

EX OFFICIO MEMBERS

Senator Peggy Lehner	Representative Gerald Stebelton
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NOTE: Mrs. Elshoff and Mr. Williams entered the room after roll call.

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

Mr. Mims Seconded the motion.

The President called for a roll call vote.

YES VOTES

Angela Thi Bennett	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
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Motion carried.

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

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

President Terhar recessed the State Board Business meeting at 2:30 p.m.

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 discussed the relocation of State Board meetings to 25 S. Front Street, beginning in March.

The Committee voted to recommend to the full Board the proposed 2013-2014 State Board meeting calendar. A vote by the full Board is scheduled for February.

President Terhar announced the Board's retreat for 2013 would be conducted in July.

BOARD PRESENTATIONS AND DISCUSSION FROM THE ACHIEVEMENT COMMITTEE

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

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

Restraint and Seclusion Policy and Rule:

The Committee discussed and moved forward to the full State Board of Education a resolution to approve a Department Policy on Positive Behavior Intervention Supports, and Restraint and Seclusion. Also approved by the Committee was a Resolution of Intent to Enact Rule 3301- 35-15, Standards Concerning the implementation of Positive Behavior Intervention Supports and the Use of Restraint and Seclusion. The draft rule and policy was created in the Spring of 2012. Refinements to the documents were made based on the feedback received from the public and key stakeholders. A resolution to adopt the rule is scheduled for April 2013.

Ohio Performance Assessment Pilot Project:

The Committee received an update on the Ohio Performance Assessment Pilot Project (OPAPP). This program is a Race to the Top funded program which is piloting performance-based assessments in Ohio as well as defining the nature and implementation of the tasks to be used as a statewide test instrument. Currently, the project has included elementary and high school pilot sites from across Ohio.

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 Rules:

Staff presented the Community School Sponsorship rules which are undergoing a five year review process. The rules describe the application process and approval procedures for parties interested in becoming sponsors of new start-up community schools; sponsorship agreements between the Department and an approved sponsor; sponsorship obligations of all sponsors of conversion and new start-up community schools; the Department's oversight of all sponsors; revocation of sponsors; and payment processes for community schools. The rules were revised; have undergone public review and comment; and have been reviewed by the Lt. Governor's Common Sense Initiative (CSI) office. The Committee discussed and recommended several additional changes to these rules. The revised rules will again be presented to the Committee in February.

Discuss Rules 3301-24-19 to -22, Alternative Resident Educator License Rules:

Staff presented proposed changes to rules 3301-24-19 to -22, concerning alternative resident educator licenses, which are proposed to be amended in order to align the rules with HB 153 changes to the alternative teacher licensure statute (ORC 3319.26). Those changes include increasing the grade band of the grades 4-12 designated subject alternative license to grades K-12, adding the option to complete a summer training institute approved by the Chancellor of the Ohio Board of Regents to meet the pre-service teacher training requirement for alternative licensure, instead of the existing Intensive Pedagogical Training Institute, and adding the option to complete a professional development program approved by the Chancellor in place of 12 additional semester hours of professional education college coursework in the principles and practices of teaching. An additional proposed HB 153-driven rule change includes removing the requirement for applicants for alternative licensure to have completed a major in the subject area to be taught. The Committee discussed implementing the recommendations of the Educator Standards Board to add a 3 semester hour reading coursework requirement to the alternative licenses for K-12 designated subjects and for P-12 world languages. The Committee voted to recommend to the full State Board the approval of the proposed rules as presented. There is an intent to adopt resolution concerning these rules on the consent agenda this month.

Update on issues related to the SEED School of Cincinnati:

Jessica Voltolini, Department Assistant Legal Counsel, provided an update on the current status of issues related to the SEED School of Cincinnati, including background information for new members of the Capacity Committee. Department legal staff is scheduled to meet with SEED representatives next week to discuss SEED's proposed revisions to the Operator Contract.

Update on work to date regarding a teacher evaluation framework for state agencies:

Staff provided an update to the Committee on work regarding a teacher evaluation framework for teachers in state agencies. Each state agency that employs teachers is required to adopt a standards-based teacher evaluation policy that conforms with the framework. The policy shall become operative at the expiration of any collective bargaining agreement covering teachers employed by the agency that is in effect on the effective date of this amendment and shall be included in any renewal or extension of such an agreement. The State Board must adopt this framework on or before June 30, 2013. Thereafter, each state agency that employs teachers is required to adopt a policy that conforms with the framework. The existing collective bargaining agreement covering state agency employed teachers is due to expire on June 30, 2015.

Accordingly, the policies that will be adopted by each state agency that employs teachers will become operative on July 1, 2015. The Educator Standards Board, via its Standing Committee, has been working on drafting the framework and will be making recommendations for adoption of the framework, which ODE staff will present to the State Board in April 2013.

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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:

Ms. Thompson provided a brief overview of the information and handout made available to new members at the 2013 New Board Member Orientation meeting on January 8, 2013. Ms. Thompson explained that the work of the Committee on Urban Education is subject to change and the typology of Ohio's districts is currently being updated. Updated information will be provided to Committee Members as soon as it is published.

Ms. Thompson introduced Dr. Christopher Woolard, Director from the Office of Policy and Research at the Ohio Department of Education and Dr. Matthew Cohen, Chief Research Officer. Dr. Woolard's presentation was focused on Value Added Measures and implications in Ohio's Urban Districts. He provided an overview of value added and shared various data charts, including an example of value added relative to closing achievement gaps. The Committee engaged in discussion with Dr. Woolard and requested additional data that will be sent electronically.

Ms. Thompson introduced Dr. Stephanie Siddens, Director from the Office of Early Learning & School Readiness at the Ohio Department of Education and Assistant Director Barbara Weinberg. The presentation from Dr. Siddens focused on early childhood education implications in Ohio's Urban Districts. She shared data relative to program requirements, special education, demographics, funding and child outcomes in Ohio's Urban 21 districts. She also provided an update on Ohio's Early Learning Challenge Grant. Based on the Committee's questions, Dr. Siddens will provide additional information electronically.

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

Consent Agenda (6): Volume 2

1. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL HIGH SCHOOL TEACHING LICENSE OF PHILIP M. LACEY (VOLUME 2, PAGE 4)
2. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE PERMANENT NON-TAX TEACHING CERTIFICATE AND FIVE-YEAR PROFESSIONAL ADOLESCENCE TO YOUNG ADULT TEACHING LICENSE OF PEGGY A. REDA (VOLUME 2, PAGE 6)
3. RESOLUTION OF INTENT TO AMEND RULE 3301-24-08 OF THE ADMINISTRATIVE CODE ENTITLED PROFESSIONAL OR ASSOCIATE LICENSE RENEWAL (VOLUME 2, PAGE 10)
4. RESOLUTION OF INTENT TO AMEND RULES 3301-24-19 TO -22 OF THE ADMINISTRATIVE CODE REGARDING ALTERNATIVE RESIDENT EDUCATOR LICENSES (VOLUME 2, PAGE 16)

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5. RESOLUTION OF INTENT TO ENACT RULE 3301-35-15 OF THE ADMINISTRATIVE CODE ENTITLED STANDARDS CONCERNING THE IMPLEMENTATION OF POSITIVE BEHAVIOR INTERVENTION SUPPORTS AND THE USE OF RESTRAINT AND SECLUSION (VOLUME 2, PAGE 26)
6. RESOLUTION OF INTENT TO CONSIDER CONFIRMATION OF THE TUSLAW LOCAL SCHOOL DISTRICT'S DETERMINATION OF IMPRACTICAL TRANSPORTATION OF CERTAIN STUDENTS ATTENDING HERITAGE CHRISTIAN SCHOOL, CANTON, OHIO. (VOLUME 2, PAGE 36)

Territory Transfers (1): Volume 2

7. RESOLUTION TO CONFIRM AND APPROVE THE RECOMMENDATION OF THE HEARING OFFICER AND TO APPROVE THE TRANSFER OF SCHOOL DISTRICT TERRITORY FROM THE NORTHWESTERN LOCAL SCHOOL DISTRICT, WAYNE COUNTY, TO THE NORWAYNE LOCAL SCHOOL DISTRICT, WAYNE COUNTY, PURSUANT TO SECTION 3311.24 OF THE OHIO REVISED CODE (VOLUME 2, PAGE 54)

Items 8 through 15 were school personnel resolutions.

Administrative Rules (1): Volume 3

16. RESOLUTION TO AMEND RULES 3301-13-01, -02, -05, AND -06 OF THE ADMINISTRATIVE CODE AND TO RESCIND RULE 3301-13-08 OF THE ADMINISTRATIVE CODE REGARDING STATEWIDE ASSESSMENTS (VOLUME 3, PAGE 247) (ACHIEVEMENT COMMITTEE)

Miscellaneous Resolutions/Motions (1): Volume 4

17. RESOLUTION TO APPROVE ODE POLICY ON POSITIVE BEHAVIOR INTERVENTION AND SUPPORTS, AND RESTRAINT AND SECLUSION (VOLUME 4, PAGE 4) (ACHIEVEMENT COMMITTEE)

Items for Consideration for Next Month

There were no Items for Consideration for Next Month.

President Terhar recessed the Board meeting at 2:45 p.m.

The Board's Legislative and Budget Committee met beginning at 8:30 a.m. on January 15, 2013.

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President Terhar reconvened the Business meeting of the State Board of Education on Tuesday, January 15, at 9:45 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	Darryl D. Mehaffie
Jeffrey Mims	Mary Rose Oakar
Mark A. Smith	Debe Terhar
Bryan C. Williams	

EX OFFICIO MEMBERS

Senator Peggy Lehner	Representative Gerald Stebelton
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MEMBERS ABSENT

Tess Elshoff

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

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

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

There were no corrections.

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

Motion carried unanimously.

PUBLIC PARTICIPATION ON NONACTION ITEMS

There was no Public Participation on Nonaction Items.

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BOARD PRESENTATIONS AND DISCUSSION FROM THE LEGISLATIVE AND BUDGET COMMITTEE

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

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

Jennifer Hogue, Department state legislative liaison, provided committee members with a legislative update on HB 279, Autism Scholarship Program and HB 280, Lottery Profits Fund/John Peterson Special Needs Scholarship from the lame duck session of the 129th General Assembly.

Jeremy Marks, Department federal legislative liaison, with the assistance from staff from the Department Office of Exceptional Children (Sue Zake and Tom Lather), discussed the development of a federal platform for the State Board of Education for the reauthorization of the Individuals with Disabilities Act (IDEA). Core provisions of the IDEA were discussed, but due to time constraints the committee discussion was tabled until the February committee meeting

PUBLIC PARTICIPATION ON ACTION ITEMS

1) Ms. Sarah Clark, Ohio School Boards Association. Ms. Clark spoke to the Board regarding Restraint and Seclusion.

This concludes Public Participation on Action Items.

President Terhar called on Acting Superintendent Sawyers for his report.

Mr. Sawyers updated the Board on the following topics:

- Tina Thomas-Manning, Associate Superintendent, is now officially at the Department.
- John Richard, Senior Executive Director, will begin at the Department, February 1.
- Race to the Top (RttT) annual onsite review will occur between February 4-8.
- Continued work regarding school safety.
- The relocation of the Board of Regents to the Department of Education building and cross-agency teams.

Presentation regarding changes to Ohio's accountability system

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

HB 555 Update:

- HB 555 signed by Governor Kasich on December 20, 2012, effective on or about March 20, 2013

Primary Areas Addressed:

- A-F Report Card
- Separate Dropout Recovery Community School Report Card
- Sponsor Ratings

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Also Addresses:

- Changes to Third Grade Reading Guarantee
- Teacher Evaluations
- Other

Dropout Recovery Report Card: In lieu of traditional report card:

Ratings:

- Exceeds Standards
- Meets Standards
- Does not meet Standards

Measures:

- Graduation Rates (4- to 8-year)
- High School Assessment Percentage
- AMO
- Reading and/or math Progress

Dropout Recovery Report Card – Phase in:

August 2013

- No ratings

August 2014

- Ratings for each measure except reading and/or progress measure
- Student outcome data

August 2015

- Ratings for all four measures
- Composite rating

Dropout Recovery Report Card:

	Aug 2013	Aug 2014	Aug 2015
Composite Grade			Calculated
Graduation Rate	Report only (4,5,6)	Rated (4,5,6,7)	Rated (4,5,6,7,8)
High School Assessment package Percentage	Report only	Rated	Rated
AMO	Report only	Rated	Rated
Reading and/or Math Progress		Report only (if available)	Rated
Student Outcome data		Report only	Report only

State Board/Department Responsibilities for 2013 Report Card:

State Board:

- Adopt rules for graduation rate, high school assessment percentage and AMOs by June 30, 2013

Department of Education:

- Gather and analyze data from each dropout recovery school and consult with stakeholders
- Identify and consult with one or more states establishing or with established dropout recovery rating system

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State Board/Department Responsibilities for 2014 Report Card:

State Board – Update rules for:

- Ratings for measures
- Outcome data

State Board – Adopt nationally norm-referenced assessment for reading and/or math progress measure

Department of Education must continue to: Gather and analyze data from each dropout recovery school and consult with stakeholders Identify and consult with one or more states establishing or with established dropout recovery rating system

State Board/Department Responsibilities for 2015 Report Card:

By December 31, 2014 State Board – Establish rules for performance levels and benchmarks for reading and/or math progress measure State Board – Establish standards for overall rating

Sponsor Ratings:

Department of Education, in consultation with entities that sponsor community schools, must prescribe quality practices for sponsors and develop instrument to measure adherence to practices rating system not effective until after January 1, 2015

Three Measures:

- Academic performance
- Quality practices
- Compliance with laws/rules

Ratings:

- Exemplary
- Effective
- Ineffective
- Emerging

State Board/Department of Education Responsibilities:

Department of Education:

- Prescribe quality practices for community school sponsors and develop instrument to measure adherence by March 31, 2013
- May permit peer review of a sponsor's adherence to quality practices
- State Board - Adopt rules for compliance standards by July 1, 2013

Third Grade Reading Guarantee:

More options to demonstrate ability to provide reading instruction

Educator Qualifications:

Any teacher with a student retained by the Third Grade Reading Guarantee or on a reading improvement and monitoring plan must have been actively engaged in the reading instruction of students for the previous three years, and meet required criteria.

Educator Credentials for the 2013-2014 school year:

- Reading endorsement on the teacher's license and a passing score on the corresponding assessment
- A master's degree program with a major in reading
- Rated "above value added," in reading as defined by the Department, for the last two years
- Demonstrated evidence of a credential earned from a Department-approved list of research-based reading instruction programs

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- If a district or community school cannot furnish enough teachers, they must submit plans to the Department by June 30, 2013
- If the Department does not approved a plan by August 15 district or community must:
 - Hire private contracts from the Department approved list; or
 - Contract with another district to provide intervention services

Educator Credentials for the 2014-2015 school year :

- A reading endorsement on the teacher's license and attained a passing grade on the corresponding assessment
- A master's degree program with a major in reading
- Rated "above value added" in reading, as defined by the Department, for the last two years
- A passing score on a rigorous test of principles of scientifically research-based reading instruction

Teacher Evaluations:

Changes how the value-added progress dimension is used in teacher evaluation

Student academic growth portion of evaluation:

- Value added must be in proportion to the part of a teacher's schedule of courses or subjects for which the value-added progress dimension is applicable
- If all value added grades and subjects then phased in

For those teachers with only value added grades and subjects:

- Until June 30, 2014, majority of student academic growth factor of evaluation must be value added
- After June 30, 2014, entire student growth factor of evaluation must be value added
- Clarification is added that instructors of adult education are not subject to teacher and principal evaluations

Other HB 555 Provisions:

- EdChoice Starting with 2013-14 school year two application periods
- E-School Moratorium
 - Lifted on July 1, 2013
 - Up to five new e-schools may open annually
 - Rules must be adopted by July 1, 2013
- By August 31, 2013, the State Board must submit to General Assembly recommendations for a comprehensive statewide plan to intervene directly in and improve the performance of persistently poor performing schools and school districts.
- Community school fiscal officers
 - Must now be licensed
 - Are given one year
- ESCs can now be part of the partnership to develop STEM schools
- Social studies assessments administered in grades 4 and 6 (rather than 5 and 8)

New Report Card Based on Letter Grades:

Report Card Phase in:

- August 2013
 - Grades for measures only
- August 2014
 - New K-3 Literacy Progress Measure
 - College and Career Measures
- August 2015
 - Overall composite grades

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- o Grades for six component groupings

Report Card Components:

- Gap Closing
- Achievement
- Graduation Rate
- Progress
- K-3 Literacy Progress
- Prepared for Success

Gap Closing Component:

	Aug 2013	Aug 2014	Aug 2015	Aug 2016
Component Grade			Calculated	Calculated
Annual Measurable Objectives (AMOs)	Graded	Graded	Graded	Graded

Achievement Component:

	Aug 2013	Aug 2014	Aug 2015	Aug 2016
Component Grade			Calculated	Calculated
Performance Index	Graded	Graded	Graded	Graded
Performance Indicators	Graded	Graded	Graded	Graded

Performance Index:

- Accelerated students receive next higher scoring level if score is proficient or above
- If score is advanced, additional proportional weight is assigned, as approved by the State Board.
- Assigned subject by subject

Performance Indicators:

- Raises Proficiency Benchmark from 75% to 80% for August 2014 report card (except 11th grade OGT)
- Gifted Performance Indicator for August 2015 report card

Benchmarks for Performance Indicators Met and Performance Index – ‘A’ Rating:

Graduation Rate Component:

	Aug 2013	Aug 2014	Aug 2015	Aug 2016
Component Grade			Calculated	Calculated
4-Year Cohort	Graded	Graded	Graded	Graded
5-Year Cohort	Graded	Graded	Graded	Graded

Progress Component

	Aug 2013	Aug 2014	Aug 2015	Aug 2016
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Component Grade			Calculated	Calculated
Overall Value-Added	Graded	Graded	Graded	Graded
Value Added: Gifted	Graded	Graded	Graded	Graded
Value Added: Students with Disabilities	Graded	Graded	Graded	Graded
Value Added: Lowest Quintile	Graded	Graded	Graded	Graded
High School Progress				Graded

Overall Value Added and Value Added Subgroups
Grade Benchmark

A	At least 2 standard errors of measure above mean
B	Between 1 and 2 standard errors of measure above mean
C	Between 1 standard error of measure above mean and 1 standard error of measure below mean
D	Between 1 and 2 standard errors of measure below mean
F	Not greater than 2 standard errors of measure below mean

K-3 Literacy Component:

	Aug 2013	Aug 2014	Aug 2015	Aug 2016
Component Grade			Calculated	Calculated
K-3 Literacy Progress		Graded	Graded	Graded

Prepared for Success Component

	Aug 2013	Aug 2014	Aug 2015	Aug 2016
Component Grade			Calculated	Calculated
College Admission Test	Report Only	Report Only	Report Only	Report Only
Dual Enrollment Credits	Report Only	Report Only	Report Only	Report Only
Industry Credentials	Report Only	Report Only	Report Only	Report Only
Honors Diplomas	Report Only	Report Only	Report Only	Report Only
AP Participation & Score	Report Only	Report Only	Report Only	Report Only
IB Participation & Score	Report Only	Report Only	Report Only	Report Only
College & Career Ready	Report Only	Report Only	Report Only	Report Only

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Assessment

Prepared for Success Component Measures:

- College Admission Test:
 - Percent taken
 - Percent remediation free
- Dual Enrollment Credit
 - Number of students earning three college credits
- Industry Credentials
 - Percent of students receiving
- Honors Diploma
 - Percentage who receive
- Advanced Placement (AP)
 - Percentage participating
 - Percentage with score of 3 or above
- International Baccalaureate (IB)
 - Percentage participating
 - Percentage with a score of 4 or better
- College and career-ready assessment
 - Results of this assessment provided for district and/or building
 - Will either begin on the August 2014 or 2015 report card, depending on the budget
 - May be part of Prepared for Success Component grade

Safe Harbor:

State Board/Department of Education Responsibilities:

State Board:

- Make legislative recommendations to create a one-year Safe Harbor
- Due by March 31, 2013
- For first year that PARCC Assessments administered

State Board/ Department of Education Responsibilities – for 2013 Report Card:

Department of Education:

- Present before the House and Senate Education Committees at least 45 days prior to adoption of rules

State Board:

- Adopt a resolution describing performance measures, benchmarks and grading system for 2012-13 school year by April 30
- Adopt administrative rules by June 30

State Board/ Department of Education Responsibilities for 2013 and 2014 Report Cards - By December 31, 2013

- State Board:
 - Adopt rules for value added subgroups and literacy progress
 - Adopt measures in addition to those included on the report card
- Department of Education:
 - Review additional information included on report card and submit recommendations to Governor and General Assembly for revisions to make report cards easier to read and understand

State Board/ Department of Education Responsibilities - for 2014 Report Card:

- State Board – Update general report card rules for:

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- K-3 Literacy Progress Measure
- Criteria for industry credentials
- Report only for other college and career measures
- Department of Education:
 - Present before the House and Senate Education Committees at least 45 days prior to adoption of rules

State Board/ Department of Education Responsibilities - for 2015 Report Card:

- State Board – Update general report card rules for:
 - Overall composite grade
 - Grade for Prepared for Success and other components
 - May adopt different proficiency percentages for performance indicators not later than July 1, 2014
 - May adopt another progress measure than value-added
- Department of Education
 - Present before the House and Senate Education Committees at least 45 days prior to adoption of rules

State Board/ Department of Education Responsibilities - for 2016 Report Card:

- State Board
 - Develop a measure of academic progress for high school students by July 1, 2015

This concludes the Acting Superintendent's report.

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

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

1. **RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL HIGH SCHOOL TEACHING LICENSE OF PHILIP M. LACEY**

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

WHEREAS Philip M. Lacey holds a five-year professional high school teaching license issued in 2007; and

WHEREAS on November 27, 2012, the Ohio Department of Education received a voluntary surrender form from Philip M. Lacey, which authorizes the State Board to enter an order permanently revoking his five-year professional high school teaching license issued in 2007 based upon allegations that Mr. Lacey made inappropriate and unprofessional comments to students; and

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

WHEREAS Philip M. Lacey has waived his right to a hearing and authorizes the State Board of Education to enter an order permanently revoking his five-year professional high school teaching license issued in 2007: 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** Philip M. Lacey's five-year professional high school teaching license issued in 2007 based upon allegations that Mr. Lacey made inappropriate and unprofessional comments to students. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Philip M. Lacey 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. Lacey of this action.

2. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE PERMANENT NON-TAX TEACHING CERTIFICATE AND FIVE-YEAR PROFESSIONAL ADOLESCENCE TO YOUNG ADULT TEACHING LICENSE OF PEGGY A. REDA

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

WHEREAS Peggy A. Reda holds a permanent non-tax teaching certificate issued in 2001 and five-year professional adolescence to young adult teaching license issued in 2009; and

WHEREAS on December 14, 2012, the Ohio Department of Education received a voluntary surrender form from Peggy A. Reda, which authorizes the State Board to enter an order permanently revoking her permanent non-tax teaching certificate issued in 2001 and five-year professional adolescence to young adult teaching license issued in 2009 based upon allegations that Ms. Reda may have engaged in unprofessional email communications with an exchange student under her personal charge, but which, in her capacity as a licensed teacher, could have constituted a failure to maintain appropriate student-teacher boundaries as defined in the *Licensure Code of Professional Conduct for Ohio Educators*; and

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

WHEREAS Peggy A. Reda has waived her right to a hearing and authorizes the State Board of Education to enter an order permanently revoking her permanent non-tax teaching certificate issued in 2001 and five-year professional adolescence to young adult teaching license issued in 2009: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and Ohio Revised Code 3319.311(F), hereby **REVOKES** Peggy A. Reda's permanent non-tax teaching certificate issued in 2001 and five-year professional adolescence to young adult teaching license issued in 2009 based upon allegations that Ms. Reda may have engaged in unprofessional email communications with an exchange student under her personal charge, but which, in her capacity as a licensed teacher, could have constituted a failure to maintain appropriate student-teacher boundaries as defined in the *Licensure Code of Professional Conduct for Ohio Educators*. Further, the State Board, in accordance

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with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Peggy A. Reda 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. Reda of this action.

3. **RESOLUTION OF INTENT TO AMEND RULE 3301-24-08 OF THE ADMINISTRATIVE CODE ENTITLED PROFESSIONAL OR ASSOCIATE LICENSE RENEWAL**

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

WHEREAS Section 3319.22 of the Revised Code authorizes the State Board of Education to adopt rules establishing standards and requirements for educator licenses of categories, types, and levels the Board elects to provide; and

WHEREAS Rule 3301-24-08 of the Administrative Code, *Professional or associate license renewal*, was amended by the State Board of Education in December 2004 to require career-technical workforce development teachers to earn a college degree applicable to the career field, classroom teaching, or an area of licensure as a condition of qualifying for the second renewal of a professional career-technical workforce development teaching license; and

WHEREAS House Bill 153 of the 129th General Assembly established that the State Board of Education shall not adopt a rule requiring an applicant for issuance or renewal of a professional career-technical license that was initially issued based on life experience, professional certification, and practical ability (career-technical workforce development areas) to complete a degree applicable to the career field, classroom teaching, or an area of licensure; and

WHEREAS in accordance with House Bill 153 of the 129th General Assembly, the proposed change to the rule would eliminate the paragraph that contains that degree requirement; and

WHEREAS the Capacity Committee, at its December 2012 meeting, voted to recommend adoption of the proposed rule changes to the State Board of Education: Therefore, Be It

RESOLVED, That the State Board of Education hereby declares its intent to amend Rule 3301-24-08 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 to be amended 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

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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 refile 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.

4. **RESOLUTION OF INTENT TO AMEND RULES 3301-24-19 TO -22 OF THE ADMINISTRATIVE CODE REGARDING ALTERNATIVE RESIDENT EDUCATOR LICENSES**

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

WHEREAS Section 3319.22 of the Revised Code authorizes the State Board of Education to adopt rules establishing standards and requirements for educator licenses of categories, types, and levels the Board elects to provide; and

WHEREAS Section 3319.26 of the Revised Code requires the State Board of Education to adopt rules establishing the standards and requirements for obtaining an alternative resident educator license; and

WHEREAS Rules 3301-24-19 to -22 of the Administrative Code describe the requirements for obtaining alternative resident educator licenses in various areas and for progressing to full licensure and are proposed to be amended in order to align the rules with House Bill 153 of the 129th General Assembly; and

WHEREAS House Bill 153 of the 129th General Assembly established summer training institutes and professional development programs for alternative licensure that will be approved by the Chancellor of the Ohio Board of Regents; increased the grade band of the designated subject license from grades four to twelve to grades kindergarten to twelve; and specified that the rules for these licenses shall not require applicants to have completed a major in the subject area for which application is being made; and

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

RESOLVED, That the State Board of Education hereby declares its intent to amend Rules 3301-24-19 to -22 of the Administrative Code, which are 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

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proposed rules to be amended and the same be made available upon request, without charge, to all persons affected by said rules; and, Be It

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

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

5. RESOLUTION OF INTENT TO ENACT RULE 3301-35-15 OF THE ADMINISTRATIVE CODE ENTITLED STANDARDS CONCERNING THE IMPLEMENTATION OF POSITIVE BEHAVIOR INTERVENTION SUPPORTS AND THE USE OF RESTRAINT AND SECLUSION

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

WHEREAS Section 3301.07(A) and (B) of the Revised Code provide that the State Board of Education shall exercise policy forming functions for the public schools of the state, and shall exercise leadership in the improvement of public education in this state and administer the educational policies of this state relating to public schools; and

WHEREAS Section 3301.07(D)(2) provides that the State Board of Education shall formulate and prescribe minimum standards to be applied to all elementary and secondary schools in the state for the purpose of requiring a general education of high quality; and

WHEREAS Section 3301.07(D)(3) provides that the State Board of Education may formulate and prescribe additional minimum operating standards for school districts including standards for a commitment for the use of positive behavior intervention supports throughout districts to ensure a safe and secure learning environment for all students; and

WHEREAS on July 31, 2009, United States Secretary of Education Arne Duncan issued a letter urging states to develop or review and, if appropriate, revise state policies and guidelines to ensure that every student is safe and protected from being unnecessarily or inappropriately restrained or secluded; and

WHEREAS on August 3, 2009, the Governor of the State of Ohio issued Executive Order 2009-13S establishing restraint policies and banning prone restraints; and

WHEREAS the State Board of Education adopted Executive Order 2009-13S by Resolution dated October 19, 2009, and charged the Department with reviewing

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current policies on restraint and seclusion and developing policy recommendations in these areas; and

WHEREAS on May 17, 2010, pursuant to the work of an interagency task force, the State of Ohio issued a Policy on Restraint and Seclusion Practices that applied to fourteen state agencies, including the Ohio Department of Education, that stated that those agencies would develop their own policies, including, at a minimum, the standards set forth in the State of Ohio policy with regard to risk identification, training, and tracking and reporting; and

WHEREAS the State Board of Education received public comment in January and March 2012 from advocates and a former student concerning restraint and seclusion in Ohio schools and directed the Ohio Department of Education to present recommendations to it regarding that subject; and

WHEREAS the Ohio Department of Education formed an internal workgroup to address the issue, as well as an external stakeholder advisory group to advise the Department; and

WHEREAS a draft of Rule 3301-35-15 was presented to the Achievement Committee for discussion in September 2012, along with an Ohio Department of Education Policy on Positive Behavior Interventions and Support, and Restraint and Seclusion, and presented for further discussion in October, November and December 2012; and

WHEREAS drafts of Rule 3301-35-15 and the Ohio Department of Education's Policy on Positive Behavior Interventions and Support, and Restraint and Seclusion were posted for public comment in October 2012, and changes made as a result of the feedback received through that process; and

WHEREAS the full Board received a presentation on the proposed rule and draft policy at the December 2012 meeting; and

WHEREAS proposed Rule 3301-35-15 prohibits certain practices of restraint and seclusion, provides that restraint and seclusion are to be used only in circumstances where there is an immediate risk of physical harm, requires the tracking and reporting of incidents of restraint and seclusion, requires training and professional development, and requires school districts to develop written policies and procedures; and

WHEREAS the Achievement Committee approved the contents of the rule during the January 2013 meeting: Therefore, Be It

RESOLVED, That the State Board of Education hereby declares its intent to enact Rule 3301-35-15 of the Administrative Code, which is attached hereto and incorporated herein by this reference; and, Be It

FURTHER RESOLVED, That the 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 to be amended and the same be made available upon request, without charge, to all persons affected by the rule; and, Be It

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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 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.

6. RESOLUTION OF INTENT TO CONSIDER CONFIRMATION OF THE TUSLAW LOCAL SCHOOL DISTRICT'S DETERMINATION OF IMPRACTICAL TRANSPORTATION OF CERTAIN STUDENTS ATTENDING HERITAGE CHRISTIAN SCHOOL, CANTON, OHIO.

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

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

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

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

RESOLVED, that the State Board of Education does hereby declare its intent to consider the request of the Tuslaw Local School District Board of Education to declare transportation of certain students attending Heritage Christian School in Canton, Ohio to be impractical, and to notify said district and other affected parties of their opportunity for a hearing, pursuant to Chapter 119 of the Ohio Revised Code; and, Be It

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

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

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President Terhar called for a roll call vote.

YES VOTES

Angela Thi Bennett
Michael Collins
Joe Farmer
Thomas Gunlock
Ann Jacobs
Kathleen McGervey
Jeffrey Mims
Mark A. Smith
Bryan C. Williams

Deborah Cain
Stephanie Dodd
Sarah Fowler
Jeffrey Hardin
C. Todd Jones
Darryl D. Mehaffie
Mary Rose Oakar
Debe Terhar

Motion carried.

President Terhar presented the following recommendation (Item 7):

- 7. RESOLUTION TO CONFIRM AND APPROVE THE RECOMMENDATION OF THE HEARING OFFICER AND TO APPROVE THE TRANSFER OF SCHOOL DISTRICT TERRITORY FROM THE NORTHWESTERN LOCAL SCHOOL DISTRICT, WAYNE COUNTY, TO THE NORWAYNE LOCAL SCHOOL DISTRICT, WAYNE 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 15, 2012, declare its intention to consider the request to transfer certain school district territory from the Northwestern Local School District, Wayne County, to the Norwayne Local School District, Wayne 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 September 26, 2012, before Hearing Officer Lawrence Pratt, and

WHEREAS, the Hearing Officer, in his report of November 19, 2012, recommends that the State Board of Education approve the proposed transfer of territory from the Northwestern Local School District, Wayne County, to the Norwayne Local School District, Wayne 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 approves the request for the transfer

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of territory from the Northwestern Local School District, Wayne County, to the Norwayne Local School District, Wayne 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 Northwestern Local School District and the Norwayne Local School District, and counsel of record, if applicable.

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

Mr. Jones stated that when modest amounts of dollars are involved in these types of transfers and the districts have the ability to plan for this over time, he would continue to lead efforts that the property transfers are permitted to move ahead provided other factors are in balance, as they are in this situation.

President Terhar called for a roll call vote.

YES VOTES

Angela Thi Bennett
Michael Collins
Joe Farmer
Thomas Gunlock
Ann Jacobs
Kathleen McGervey
Jeffrey Mims
Mark A. Smith
Bryan C. Williams

Deborah Cain
Stephanie Dodd
Sarah Fowler
Jeffrey Hardin
C. Todd Jones
Darryl D. Mehaffie
Mary Rose Oakar
Debe Terhar

Motion carried.

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

8. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO DENY PERMANENTLY THE ONE-YEAR SHORT TERM SUBSTITUTE TEACHING LICENSE APPLICATION OF DENNIS R. CORNETT

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

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

WHEREAS on June 19, 2012, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Dennis R. Cornett 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. Cornett engaging in the following conduct unbecoming to the

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teaching profession: 2009 charge in the Clay County Circuit Court for one felony count of flagrant nonsupport which resulted in an outstanding arrest warrant for failure to appear; 2006 conviction in the Boone County District Court for one misdemeanor count of alcohol: possession and/or use by minors prohibited; 2009 revocation of Mr. Cornett's Kentucky teaching credentials based upon him allowing minors, including current and former students, to ingest alcohol and marijuana at his residence, engaging in sexually inappropriate behavior with female students, attempting to sexually assault a female student, and making disparaging and profane remarks in an email about a district principal while using the district's computer; and failure to disclose his conviction and the revocation of his Kentucky teaching credentials on his pending application; and WHEREAS Mr. Cornett requested a hearing in this matter, but his hearing request was not made in accordance with Revised Code 119.07; and

WHEREAS the Ohio Department of Education notified Mr. Cornett by letter that it would not honor his hearing request because the request was not timely submitted; and

WHEREAS a hearing was held on October 15, 2012; and

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

WHEREAS the hearing officer recommends that Mr. Cornett's application be denied and he be permanently ineligible to apply for any license issued by the State Board. The hearing officer's recommendation is based upon Mr. Cornett's misconduct, including him making alcohol available to minors, failing to disclose his conviction on his licensure application, and failing to disclose the revocation of his Kentucky teaching credentials to the State Board, being sufficiently egregious and dangerous enough to students to warrant a permanent denial of his application: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and (F), hereby **DENIES** Dennis R. Cornett's application for a one-year short term substitute teaching license based upon Mr. Cornett engaging in the following conduct unbecoming to the teaching profession: 2009 charge in the Clay County Circuit Court for one felony count of flagrant nonsupport which resulted in an outstanding arrest warrant for failure to appear; 2006 conviction in the Boone County District Court for one misdemeanor count of alcohol: possession and/or use by minors prohibited; 2009 revocation of Mr. Cornett's Kentucky teaching credentials based upon him allowing minors, including current and former students, to ingest alcohol and marijuana at his residence, engaging in sexually inappropriate behavior with female students, attempting to sexually assault a female student, and making disparaging and profane remarks in an email about a district principal while using the district's computer; and failure to disclose his conviction and the revocation of his Kentucky teaching credentials on his pending application. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders Dennis R. Cornett 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. Cornett of this action.

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It was Moved by Mr. Williams and Seconded by Mrs. Cain that the above recommendation (Item 8) be approved.

President Terhar called for a roll call vote.

YES VOTES

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

Motion carried.

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

9. RESOLUTION TO DENY THE ONE-YEAR EDUCATIONAL AIDE PERMIT APPLICATION OF DIANE J. DAVIS

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

WHEREAS Diane J. Davis has applied for a one-year educational aide permit; and

WHEREAS on November 1, 2012, the Acting State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Diane J. Davis of its intent to deny or permanently deny her application for a one-year educational aide permit pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(b). The notice was based upon Ms. Davis' 2012 conviction in the Warren County Common Pleas Court for one misdemeanor count of assault and one misdemeanor count of operating a vehicle while impaired; and

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

WHEREAS Diane J. Davis did not request a hearing in accordance with Section 119.07 of the Revised Code; and

WHEREAS the State Board of Education has reviewed the affidavit of the Director of the Office of Professional Conduct, the Notice of the State Board of Education's Intended Action and Opportunity for a Hearing, the certified court records from the Warren County Common Pleas Court, and the certified police records from the Ohio Highway Patrol; and

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(b), hereby **DENIES** Diane J. Davis' application for a one-year educational aide permit based upon Ms. Davis' 2012 conviction in the Warren County Common Pleas Court for one misdemeanor count of assault and one misdemeanor count of operating a vehicle while impaired. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(a), orders Diane J. Davis be ineligible to apply for any license issued by the State Board of Education until on or after January 15, 2018; and, Be It Further

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

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

President Terhar called for a roll call vote.

YES VOTES

Angela Thi Bennett
Michael Collins
Joe Farmer
Thomas Gunlock
Ann Jacobs
Darryl D. Mehaffie
Mary Rose Oakar
Debe Terhar

Deborah Cain
Stephanie Dodd
Sarah Fowler
Jeffrey Hardin
Kathleen McGervey
Jeffrey Mims
Mark A. Smith
Bryan C. Williams

ABSTAIN

C. Todd Jones

Motion carried.

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

- 10. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER NOT TO IMPOSE ANY DISCIPLINARY ACTION ON THE FIVE-YEAR PROFESSIONAL ADOLESCENCE TO YOUNG ADULT TEACHING LICENSE AND THREE-YEAR PUPIL ACTIVITY PERMIT OF CORIE R. FELLESTEIN**

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

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WHEREAS Corie R. Fellenstein holds a five-year professional adolescence to young adult teaching license issued in 2008 and three-year pupil activity permit issued in 2010; and

WHEREAS on February 15, 2012, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Corie R. Fellenstein of its intent to limit, suspend, revoke, or permanently revoke her five-year professional adolescence to young adult teaching license issued in 2008 and three-year pupil activity permit issued in 2010 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Fellenstein engaging in conduct unbecoming to the teaching profession in 2011 when she knowingly contributed to or knowingly failed to intervene in the harassment, intimidation, or bullying of a student when she wore a t-shirt to school with a phrase that was intimidating to a student; and

WHEREAS Ms. Fellenstein requested a hearing regarding the State Board's intent; and

WHEREAS a hearing was held on July 18, 2012; and

WHEREAS Ms. Fellenstein was present at the hearing and was represented by counsel; and

WHEREAS the hearing officer recommends that no action be imposed upon Ms. Fellenstein's licenses. The hearing officer's recommendation is based upon his conclusion that while Ms. Fellenstein's conduct in wearing a t-shirt with the words "Team Hites" may be regrettable and unfortunate it does not constitute an act of misconduct under Ohio Revised Code 3319.31(B)(1): Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby imposes **NO ACTION** on Corie R. Fellenstein's five-year professional adolescence to young adult teaching license issued in 2008 and three-year pupil activity permit issued in 2010; and, Be It Further

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

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

President Terhar called for a roll call vote.

YES VOTES

Angela Thi Bennett
Michael Collins
Joe Farmer
Thomas Gunlock
Ann Jacobs
Darryl D. Mehaffie
Mary Rose Oakar
Debe Terhar

Deborah Cain
Stephanie Dodd
Sarah Fowler
Jeffrey Hardin
Kathleen McGervey
Jeffrey Mims
Mark A. Smith
Bryan C. Williams

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ABSTAIN

C. Todd Jones

Motion carried.

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

11. RESOLUTION TO REVOKE PERMANENTLY THE ONE-YEAR LONG TERM SUBSTITUTE TEACHING LICENSE OF JASON M. MAZAN

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

WHEREAS Jason M. Mazan held a one-year long term substitute teaching license issued in 2011; and

WHEREAS on November 5, 2012, the Acting State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Jason M. Mazan of its intent to determine whether to limit, suspend, revoke, or permanently revoke his one-year long term substitute teaching license issued in 2011 pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(a). The notice was based upon Mr. Mazan's 2012 conviction in the Summit County Court of Common Pleas for one felony count of attempted sexual battery, one felony count of attempted unlawful sexual conduct with a minor, and one misdemeanor count of falsification; and

WHEREAS the notice informed Mr. Mazan that if he fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code, the State Board of Education will proceed to determine whether to limit, suspend, revoke, or permanently revoke his one-year long term substitute teaching license issued in 2011; and

WHEREAS Jason M. Mazan did not request a hearing in accordance with Section 119.07 of the Revised Code; and

WHEREAS the State Board of Education has reviewed the affidavit of the Director of the Office of Professional Conduct, the Notice of the State Board of Education's Intended Action and Opportunity for a Hearing and the certified court records from the Summit County Court of Common Pleas; 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 3319.31(B)(2)(a), hereby **REVOKES** Jason M. Mazan's one-year long term substitute teaching license issued in 2011 based upon Mr. Mazan's 2012 conviction in the Summit County Court of Common Pleas for one felony count of attempted sexual battery, one felony count of attempted unlawful sexual conduct with a minor, and one misdemeanor count of falsification. Further, the

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State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Jason M. Mazan 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. Mazan of this action.

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

President Terhar 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	Darryl D. Mehaffie
Jeffrey Mims	Mary Rose Oakar
Mark A. Smith	Debe Terhar
Bryan C. Williams	

Motion carried.

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

12. RESOLUTION TO DENY PERMANENTLY THE ONE-YEAR EDUCATIONAL AIDE PERMIT APPLICATION OF JAMES A. RUSHER

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

WHEREAS James A. Rusher has applied for a one-year educational aide permit; and

WHEREAS on November 5, 2012, the Acting State Superintendent of Public Instruction, on behalf of the State Board of Education, notified James A. Rusher of its intent to deny or permanently deny his application for a one-year educational aide permit pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(b) and Rule 3301-20-01(E) of the Ohio Administrative Code. The notice was based upon Mr. Rusher's 2007 conviction in the Xenia Municipal Court for one misdemeanor count of domestic violence by threats and 2006 conviction in the Xenia Municipal Court for one misdemeanor count of assault; and

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

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

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

WHEREAS Mr. Rusher is not eligible for licensure by the State Board of Education since he cannot meet the rehabilitation criteria established by Rule 3301-20-01(E) of the Ohio Administrative Code because he has two convictions for violent offenses; and

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(b) and Rule 3301-20-01(E) of the Ohio Administrative Code, hereby **DENIES** James A. Rusher's application for a one-year educational aide permit based upon Mr. Rusher's 2007 conviction in the Xenia Municipal Court for one misdemeanor count of domestic violence by threats and 2006 conviction in the Xenia Municipal Court for one misdemeanor count of assault. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders James A. Rusher 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. Rusher of this action.

It was Moved by Mr. Farmer and Seconded by Ms. Oakar that the above recommendation (Item 12) be approved.

President Terhar called for a roll call vote.

YES VOTES

Angela Thi Bennett
Michael Collins
Joe Farmer
Thomas Gunlock
Ann Jacobs
Kathleen McGervey
Jeffrey Mims
Mark A. Smith
Bryan C. Williams

Deborah Cain
Stephanie Dodd
Sarah Fowler
Jeffrey Hardin
C. Todd Jones
Darryl D. Mehaffie
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 ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO DENY PERMANENTLY THE ONE-YEAR SHORT TERM SUBSTITUTE TEACHING LICENSE APPLICATION OF KENNETH N. SHAW

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

WHEREAS Kenneth N. Shaw has applied for a one-year short term substitute teaching license; and

WHEREAS on March 29, 2012, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Kenneth N. Shaw of its intent to deny or permanently deny his application for a one-year short term substitute teaching license pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Shaw's law license being suspended in 2010 by the Ohio Supreme Court for a period of two years with one year of the suspension period to be stayed as long as Mr. Shaw met conditions imposed by the Ohio Supreme Court; and

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

WHEREAS a hearing was held on October 5, 2012; and

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

WHEREAS the hearing officer recommends that Mr. Shaw's application be denied and he be permanently ineligible to apply for any license issued by the State Board. The hearing officer's recommendation is based upon Mr. Shaw failing to meet the conditions imposed by the Ohio Supreme Court that would have stayed the suspension of his law license, attempting to further the financial status of himself and his children at the expense of a client, and failing to conduct himself in a manner that would be a good example for students or the school community: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **DENIES** Kenneth N. Shaw's application for a one-year short term substitute teaching license based upon Mr. Shaw's law license being suspended in 2010 by the Ohio Supreme Court for a period of two years with one year of the suspension period to be stayed as long as Mr. Shaw met conditions imposed by the Ohio Supreme Court. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders Kenneth N. Shaw 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. Shaw of this action.

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

President Terhar 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	Darryl D. Mehaffie
Jeffrey Mims	Mary Rose Oakar
Mark A. Smith	Debe Terhar
Bryan C. Williams	

Motion carried.

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

14. RESOLUTION TO ACCEPT THE REPORT BUT TO REJECT THE RECOMMENDATION OF THE HEARING OFFICER AND TO IMPOSE NO DISCIPLINARY ACTION ON THE EIGHT-YEAR PROFESSIONAL SCHOOL NURSE CERTIFICATE OF NITA J. YAW

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

WHEREAS Nita J. Yaw held an eight-year professional school nurse certificate issued in 2004; and

WHEREAS on June 7, 2012, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Nita J. Yaw of its amended intent to determine whether to limit, suspend, revoke, or permanently revoke her eight-year professional school nurse certificate issued in 2004 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Yaw borrowing a pill from one student's medication bottle to give to another student who was out of prescription medication and then replacing the first student's medication the next day by using a dose from the second student's medication that had been refilled; and

WHEREAS Ms. Yaw requested a hearing regarding the State Board's intent; and

WHEREAS a hearing was held on September 6 and 7, 2012; and

WHEREAS Ms. Yaw was present at the hearing and was represented by counsel; and

WHEREAS the hearing officer recommends that Ms. Yaw's eight-year professional school nurse certificate be revoked and she be ineligible to apply for any license issued by the State Board until after January 1, 2013. The hearing

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officer's recommendation is based upon Ms. Yaw's error in judgment in a very difficult situation being mitigated by her exemplary character and outstanding job performance as a school nurse; and

WHEREAS the State Board of Education considered the report and recommendation of the hearing officer; and

WHEREAS the State Board of Education accepts the report of the hearing officer, but rejects the hearing officer's recommendation to revoke Ms. Yaw's license and make her ineligible to apply for any license issued by the State Board until on or after January 1, 2013; and

WHEREAS the State Board finds that Ms. Yaw engaged in conduct unbecoming a school nurse by giving a student medication that was prescribed for another student. However, after considering the mitigating factors which the hearing officer identified in this case, the State Board finds that disciplinary action is not warranted. These findings are based upon Ms. Yaw's misconduct being mitigated by her error in judgment occurring in a very difficult situation, her good intentions in trying to alleviate the situation and help a student in need, her knowledge that both students were prescribed the same type and dosage of medication, and her outstanding character and service as a school nurse for over thirty years as testified to by multiple co-workers, administrators, and parents: Therefore, Be It

RESOLVED that the State Board of Education accepts the report of the hearing officer, but rejects the hearing officer's recommendation to revoke Ms. Yaw's license and make her ineligible to apply for any license issued by the State Board until on or after January 1, 2013; and, Be It Further

RESOLVED the State Board finds that Ms. Yaw engaged in conduct unbecoming a school nurse by giving a student medication that was prescribed for another student. However, after considering the mitigating factors which the hearing officer identified in this case, the State Board finds that disciplinary action is not warranted. These findings are based upon Ms. Yaw's misconduct being mitigated by her error in judgment occurring in a very difficult situation, her good intentions in trying to alleviate the situation and help a student in need, her knowledge that both students were prescribed the same type and dosage of medication, and her outstanding character and service as a school nurse for over thirty years as testified to by multiple co-workers, administrators, and parents; and, Be It Further

RESOLVED, That the State Board of Education hereby imposes **NO ACTION** on Nita J. Yaw's eight-year professional school nurse certificate issued in 2004; and, Be It Further

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

It was Moved by Ms. McGervey and Seconded by Mr. Gunlock that the original recommendation (Item 14) be approved.

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Mr. Gunlock Moved to amend the resolution by substitution. He Moved to accept the report but to reject the recommendation of the hearing officer and to admonish Nita J. Yaw. Dr. Smith Seconded the motion.

Ms. Oakar thanked Mr. Gunlock for the proposed amendment and stated she would support the amendment.

Mrs. Dodd spoke in favor of Ms. Yaw and noted the difficulty in finding quality school nurses.

Ms. Jacobs stated she was concerned about what implications an admonishment by the Board would have on the nursing career of Ms. Yaw. Ms. Kelly stated that all Board actions were public record. A referral would be made to any other licensing agency, in this case, the nursing board.

Ms. McGervey stated she would support the amendment, but would not support any punishment in this situation.

President Terhar supported the actions of Ms. Yaw in this situation to help the welfare of a child.

Mrs. Bennett Moved to Amend the Amendment. She Moved to accept the report but to reject the recommendation of the hearing officer and to impose no disciplinary action on the eight-year professional school nurse certificate of Nita J. Yaw. Ms. Jacobs Seconded the motion.

Mr. Gunlock cautioned the Board about the precedent this might set in future cases.

Dr. Smith stated that as an administrator, when you violate your own protocols, you are going down a dangerous road. He further stated he would support the proposed amendment by Mr. Gunlock.

Mr. Hardin stated that he would like to thank Ms. Yaw for her actions.

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

YES VOTES

Angela Thi Bennett
Michael Collins
Joe Farmer
Ann Jacobs
Jeffrey Mims

Deborah Cain
Stephanie Dodd
Jeffrey Hardin
Kathleen McGervey
Mary Rose Oakar

NO VOTES

Sarah Fowler
C. Todd Jones
Mark A. Smith
Bryan C. Williams

Thomas Gunlock
Darryl D. Mehaffie
Debe Terhar

Motion carried.

Mr. Jones stated that he would vote against the motion moving forward to lessen the punishment. He would rather revoke than take no action.

Dr. Smith stated after letting his concerns be known, he would support the motion as amended.

President Terhar called for a roll call vote on the motion as amended to impose no action.

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YES VOTES

Angela Thi Bennett	Deborah Cain
Michael Collins	Stephanie Dodd
Joe Farmer	Sarah Fowler
Jeffrey Hardin	Ann Jacobs
Kathleen McGervey	Jeffrey Mims
Mary Rose Oakar	Mark A. Smith

NO VOTES

Thomas Gunlock	C. Todd Jones
Darryl D. Mehaffie	Debe Terhar
Bryan C. Williams	

Motion carried.

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

YES VOTES

Angela Thi Bennett	Deborah Cain
Michael Collins	Stephanie Dodd
Joe Farmer	Jeffrey Hardin
Ann Jacobs	Kathleen McGervey
Jeffrey Mims	Mary Rose Oakar
Mark A. Smith	

NO VOTES

Sarah Fowler	Thomas Gunlock
C. Todd Jones	Darryl D. Mehaffie
Debe Terhar	Bryan C. Williams

Motion carried.

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

15. RESOLUTION TO DENY PERMANENTLY THE ONE-YEAR EDUCATIONAL AIDE PERMIT APPLICATION OF ARETHA D. YOUNG

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

WHEREAS Aretha D. Young has applied for a one-year educational aide permit; and

WHEREAS on November 1, 2012, the Acting State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Aretha D. Young of its intent to deny or permanently deny her application for a one-year educational aide permit pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(c). The notice was based upon Ms. Young's 2012 conviction in the Shaker Heights Municipal Court for one misdemeanor count of theft and violation of the

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terms and conditions of the Consent Agreement which she entered into with the State Board of Education in August 2009; and

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

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

WHEREAS the State Board of Education has reviewed the affidavit of the Director of the Office of Professional Conduct, the Notice of the State Board of Education's Intended Action and Opportunity for a Hearing, the certified court records from the Shaker Heights Municipal Court, the certified police records from the Beachwood Police Department, and the Consent Agreement entered into between Ms. Young and the State Board of Education in August 2009; and

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(c), hereby **DENIES** Aretha D. Young's application for a one-year educational aide permit based upon Ms. Young's 2012 conviction in the Shaker Heights Municipal Court for one misdemeanor count of theft and violation of the terms and conditions of the Consent Agreement which she entered into with the State Board of Education in August 2009. Further, the State Board, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders Aretha D. Young 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. Young of this action.

It was Moved by Mr. Hardin and Seconded by Mr. Mims that the above recommendation (Item 15) be approved.

President Terhar called for a roll call vote.

YES VOTES

Angela Thi Bennett
Michael Collins
Joe Farmer
Thomas Gunlock
Ann Jacobs
Kathleen McGervey
Jeffrey Mims
Mark A. Smith
Bryan C. Williams

Deborah Cain
Stephanie Dodd
Sarah Fowler
Jeffrey Hardin
C. Todd Jones
Darryl D. Mehaffie
Mary Rose Oakar
Debe Terhar

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Motion carried.

Mr. Jones presented the following recommendation (Item 16):

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

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

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

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

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

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

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

WHEREAS during its October 2012 business meeting, the State Board of Education adopted a Resolution of Intent to amend Rules 3301-13-01, -02, -05, and -06 of the Administrative Code of the Administrative Code and to rescind Rule 3301-13-08 of the Administrative Code; and

WHEREAS December 10, 2012, the State Board of Education held a public hearing concerning the proposed amending of Rules 3301-13-01, -02, -05, and -06 of the Administrative Code and proposed rescission of Rule 3301-13-08 of the Administrative Code; and

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WHEREAS on December 10, 2012, the Joint Committee on Agency Rule Review held a hearing on the proposed amending of Rules 3301-13-01, -02, -05, and -06 of the Administrative Code and proposed rescission of Rule 3301-13-08 of the Administrative Code: Therefore, Be It

RESOLVED, That the State Board of Education hereby amends Rules 3301-13-01, -02, -05, and -06 of the Administrative Code and rescinds Rule 3301-13-08 of the Administrative Code, which are 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 complete the process of amending and rescinding the rules by filing with the Secretary of State, Legislative Service Commission, and the Joint Committee on Agency Rule Review, the full text of the rules and that the same be made available on request, without charge, to all persons affected by the rules.

It was Moved by Mr. Jones that the above recommendation (Item 16) be approved.

President Terhar called for a roll call vote.

YES VOTES

Angela Thi Bennett
Michael Collins
Joe Farmer
Thomas Gunlock
Ann Jacobs
Kathleen McGervey
Jeffrey Mims
Mark A. Smith
Bryan C. Williams

Deborah Cain
Stephanie Dodd
Sarah Fowler
Jeffrey Hardin
C. Todd Jones
Darryl D. Mehaffie
Mary Rose Oakar
Debe Terhar

Motion carried.

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

17. RESOLUTION TO APPROVE ODE POLICY ON POSITIVE BEHAVIOR INTERVENTION AND SUPPORTS, AND RESTRAINT AND SECLUSION

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

WHEREAS Section 3301.07(A) and (B) of the Revised Code provide that the State Board of Education shall exercise policy forming functions for the public schools of the state, and shall exercise leadership in the improvement of public education in this state and administer the educational policies of this state relating to public schools; and

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WHEREAS Section 3301.07(D)(2) provides that the State Board of Education shall formulate and prescribe minimum standards to be applied to all elementary and secondary schools in the state for the purpose of requiring a general education of high quality; and

WHEREAS Section 3301.07(D)(3) provides that the State Board of Education may formulate and prescribe additional minimum operating standards for school districts including standards for a commitment for the use of positive behavior intervention supports throughout districts to ensure a safe and secure learning environment for all students; and

WHEREAS on July 31, 2009, United States Secretary of Education Arne Duncan issued a letter urging states to develop or review and, if appropriate, revise state policies and guidelines to ensure that every student is safe and protected from being unnecessarily or inappropriately restrained or secluded; and

WHEREAS on August 3, 2009, the Governor of the State of Ohio issued Executive Order 2009-13S establishing restraint policies and banning prone restraints; and

WHEREAS the State Board of Education adopted Executive Order 2009-13S by Resolution dated October 19, 2009, and charged the Department with reviewing current policies on restraint and seclusion and developing policy recommendations in these areas; and

WHEREAS on May 17, 2010, pursuant to the work of an interagency task force, the State of Ohio issued a Policy on Restraint and Seclusion Practices that applied to fourteen state agencies, including the Ohio Department of Education, that stated that those agencies would develop their own policies, including, at a minimum, the standards set forth in the State of Ohio policy with regard to risk identification, training, and tracking and reporting; and

WHEREAS the State Board of Education received public comment in January and March 2012 from advocates and a former student concerning restraint and seclusion in Ohio schools and directed the Ohio Department of Education to present recommendations to it regarding that subject; and

WHEREAS the Ohio Department of Education formed an internal workgroup to address the issue, as well as an external stakeholder advisory group to advise the Department; and

WHEREAS a draft of Rule 3301-35-15 was presented to the Achievement Committee for discussion in September 2012, along with an Ohio Department of Education Policy on Positive Behavior Interventions and Support, and Restraint and Seclusion, and presented for further discussion in October, November and December 2012; and

WHEREAS drafts of Rule 3301-35-15 and the Ohio Department of Education's Policy on Positive Behavior Intervention and Supports, and Restraint and Seclusion were posted for public comment in October 2012, and changes made as a result of the feedback received through that process; and

WHEREAS the full Board received a presentation on the proposed rule and draft policy at the December 2012 meeting; and

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WHEREAS the ODE Policy on Postive Behavior Intervention and Supports prohibits certain practices of restraint and seclusion, provides that restraint and seclusion are to be used only in circumstances where there is an immediate risk of physical harm, requires the tracking and reporting of incidents of restraint and seclusion, requires training and professional development, and requires school districts to develop written policies and procedures; and

WHEREAS the Achievement Committee approved the policy during the January 2013 meeting: Therefore, Be It

RESOLVED, That the State Board of Education hereby approves the attached Policy on Positive Behavior Intervention and Supports, which is incorporated herein by reference, and directs the Superintendent of Public Instruction to communicate the policy to the public and all Ohio school districts.

It was Moved by Mr. Jones that the above recommendation (Item 17) be approved.

Mr. Jones Moved to Amend by Substitution. He provided to Board members a change to the policy made by the Committee. It will now read “These reports are educational records subject to FERPA.” Mr. Gunlock Seconded the motion.

Mr. Jones thanked everyone who participated in the work done on this topic.

Mr. Hardin recognized former Board member Kristen McKinley and the dedication she put forth in this effort.

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

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	Darryl D. Mehaffie
Jeffrey Mims	Mary Rose Oakar
Mark A. Smith	Debe Terhar
Bryan C. Williams	

Motion carried.

Ms. Oakar also thanked individuals who had participated in this work. She stated that she was concerned that Community Schools are not included in this standard.

Mr. Jones clarified for Board members why Community Schools are not included here. He stated that he would ask that all Community Schools in Ohio and all representatives of Community Schools and stakeholders be solicited for their input on two matters: 1) Their view on this policy and regulation, and 2) Their view of whether they should be included and what way within this policy.

Ms. Jacobs stated she firmly believed Community Schools should be included and the Board should solicit the legislature for their inclusion.

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Mr. Collins stated he believed the Board should communicate with the legislature and then solicit input on this matter.

Mrs. Cain stated that if a child is in any type of school in this state, the safety of that child is paramount.

Mr. Hardin stated that enrollment in Community Schools continues to rise because of safety issues in traditional schools.

President Terhar stated at this time she would be referring this matter to the Legislative and Budget Committee.

President Terhar called for a roll call vote on the motion (policy) as amended.

YES VOTES

Deborah Cain	Michael Collins
Stephanie Dodd	Joe Farmer
Thomas Gunlock	Jeffrey Hardin
Ann Jacobs	C. Todd Jones
Darryl D. Mehaffie	Jeffrey Mims
Mary Rose Oakar	Mark A. Smith
Debe Terhar	

NO VOTES

Angela Thi Bennett	Sarah Fowler
Kathleen McGervey	Bryan C. Williams

Motion carried.

President Terhar thanked all involved who had worked on this matter.

Non-Resolutions **New Business**

Mr. Jones spoke about the restructuring of Board meetings to include Monday afternoon as the centerpiece of the meeting where a hearing will be conducted to include a panel of witnesses who will provide testimony to the Board on a wide range of topics.

Ms. Fowler made the following comments: 1) Sunday is the Lord's day and public business should not be conducted upon it. 2) Many people set aside Sunday to spend time with their families (including staff and members of the public who might find the timing a conflict), and 3) Some Board members have a long distance to travel and are using Sunday afternoon to arrive for the Monday Board meeting. She also recommended adding a specific time for the Board to hear guest speakers address pertinent issues would be beneficial, but that it should take place during a regular business day. She suggested setting aside several hours on Monday afternoon after the Executive session or sometime on Tuesday. This has the advantage that board members and public are already present.

Mr. Hardin Moved to adjourn the meeting. Mr. Mehaffie Seconded the motion.

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The President requested a voice vote.

Motion carried.

President Terhar adjourned the meeting at 3:30 p.m. The next regularly scheduled meeting of the State Board of Education is February 11-12, 2013.

ATTEST:



Debe Terhar
President
State Board of Education



Michael Sawyers
Acting Superintendent of Public Instruction

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