Mr. Farmer was absent from the meeting.

The State Board convened on Monday, January 9, at the Ohio Department of Education in Columbus.

Chapter 119 Hearing

January 9, 2017
8:30 a.m.

Hearing Regarding the Amending, Rescinding and Adoption of Rules


MEMBERS PRESENT

Pat Bruns
Thomas Gunlock
Meryl Johnson
Nick Owens
Cathye Flory
Linda Haycock
C. Todd Jones
Rebecca Vazquez-Skillings
President Gunlock stated the Board would proceed with the public hearing on the following rule actions: The amendment of Rule 3301-24-022 entitled: Alternative Resident Educator License for Career-Technical Workforce Development Programs and the rescission and adoption of Rule 3301-41-01 entitled: Ohio High School Equivalence Diploma.

President Gunlock called on Jim Miller, from the Office of the Attorney General, Assistant Attorney General, Education section. Mr. Miller called on Diane Lease, Chief Legal Counsel for the Ohio Department of Education.

Ms. Lease presented the following Board Exhibits:

- Board Exhibit 1 is the public notice that appears in the Register of Ohio and references the proposed rule actions subject to this hearing;
- Board Exhibits 2 and 3 would be true and accurate copies of the resolutions adopted by the State Board of Education regarding these rules,
- Board Exhibit 4 through 6 would be true and accurate copies of rules as originally filed on November 30, 2016 and revise filed on January 3, 2017 with the Joint Committee on Agency Rule Review (JCARR) Legislative Service Commission (LSC) and the Secretary of State. The rules were revise filed due to the time change of this public hearing.

Ms. Lease explained the rules had been made available to all persons affected by the rules.

President Gunlock stated that testimony would be received, either orally or in writing, for or against, the amendment of the rules that are under consideration. Anyone who wished to testify must complete the registration sheet. All testimony would be limited to no more than five minutes. If additional time is needed, consideration would be given to a reasonable extension. Any written testimony would be marked as Group Exhibit 7.

President Gunlock announced that the Board would now receive testimony on the proposed actions before the Board.

PUBLIC TESTIMONY ON THE PROPOSED RULE ACTIONS.

There were no requests.

President Gunlock called on Mr. Miller, who submitted into evidence State Board Exhibits 1 through 6.

President Gunlock stated that the exhibits were so received. As there was no more testimony, he declared the public hearing closed at 8:35 a.m.

Technology & Travel/Time Submission Training
New and returning Board members received technical assistance regarding technology and travel/payroll.
Biennial Organization Meeting

President Gunlock called the Biennial Organization Meeting to order.

The state Board recognized Melanie Bolender for her service as a state Board member.

Oath-of-Office

President Gunlock read the certifications of election and executive appointments.

At 10:00 a.m., Supreme Court Justice, Justice Judith L. French, the Supreme Court of Ohio, administered the Oath of Office to the following members of the State Board of Education:

Elected Board Members:
- Linda Haycock
- Antoinette Miranda
- Lisa Woods
- Stephanie Dodd
- Meryl Johnson
- Nick Owens
- Nancy Hollister

Appointed Board Members:
- Martha Manchester
- Eric Poklar
- Charlotte McGuire
- Rebecca Vazquez-Skillings

President Gunlock asked the Recording Secretary to call the roll.

MEMBERS PRESENT
- Pat Bruns
- Tess Elshoff
- Sarah Fowler
- Linda Haycock
- Meryl Johnson
- Martha Manchester
- Charlotte McGuire
- Nick Owens
- Rebecca Vazquez-Skillings
- Stephanie Dodd
- Cathye Flory
- Thomas Gunlock
- Nancy Hollister
- C. Todd Jones
- Kathleen McGervey
- Antoinette Miranda
- Eric Poklar
- Lisa Woods

President Gunlock called for the approval of the Minutes of the December 2016 meeting. He asked if there were any corrections to the Minutes.

Ms. Fowler requested that Mrs. Elshoff’s amendment in Executive Committee state that it was due to time constraint proposals.

It was Moved by Mr. Jones and Seconded by Mrs. Flory that the Minutes be approved as amended. The President called for a voice vote.

Motion carried unanimously.

Election of Officers

Diane Lease, Chief Legal Counsel, provided information on the election of new State Board officers and the Board’s biennial organization meeting.

Nomination and Election of President

President Gunlock opened the floor for nominations for president.

Ms. McGervey nominated Tess Elshoff for president.
Mrs. Flory Moved to close nominations for president. Mrs. McGuire Seconded the motion. President Gunlock asked for a voice vote. Motion passed.

Mrs. Elshoff spoke on behalf of her nomination. Ms. McGervey spoke regarding her nomination of Mrs. Elshoff.

President Gunlock asked for Board members to say the name of the candidate they were voting for.

**TESS ELSHOFF**
- Pat Bruns
- Tess Elshoff
- Sarah Fowler
- Linda Haycock
- Meryl Johnson
- Martha Manchester
- Charlotte McGuire
- Nick Owens
- Rebecca Vazquez-Skillings
- Stephanie Dodd
- Cathye Flory
- Thomas Gunlock
- Nancy Hollister
- C. Todd Jones
- Kathleen McGervey
- Antoinette Miranda
- Eric Poklar
- Lisa Woods

President Gunlock announced that Tess Elshoff had been elected as President of the State Board of Education for 2017-2018.

**Nomination and Election of Vice President**

President Elshoff opened the floor for nominations for vice president.

Ms. Fowler nominated Nancy Hollister for vice president.

Ms. McGervey Moved to close nominations for vice president. Mrs. McGuire Seconded the motion. President Elshoff asked for a voice vote. Motion passed.

Mrs. Hollister spoke on behalf of her nomination. Ms. Fowler spoke regarding her nomination of Mrs. Hollister.

President Elshoff asked for Board members to say the name of the candidate they were voting for.

**NANCY HOLLISTER**
- Pat Bruns
- Tess Elshoff
- Sarah Fowler
- Linda Haycock
- Meryl Johnson
- Martha Manchester
- Charlotte McGuire
- Nick Owens
- Rebecca Vazquez-Skillings
- Stephanie Dodd
- Cathye Flory
- Thomas Gunlock
- Nancy Hollister
- C. Todd Jones
- Kathleen McGervey
- Antoinette Miranda
- Eric Poklar
- Lisa Woods

President Elshoff announced that Nancy Hollister had been elected as vice president of the State Board of Education for 2017-2018.

Following Board officer elections, President Elshoff led a discussion regarding committee planning.

President Elshoff adjourned the Biennial Organization Meeting at 10:30 a.m.

The Board took a brief recess.
President Elshoff convened the Business meeting of the State Board of Education on Monday, January 9, at 11:30 a.m.

President Elshoff asked the Recording Secretary to call the roll.

MEMBERS PRESENT

Pat Bruns  Stephanie Dodd
Tess Elshoff  Cathye Flory
Sarah Fowler  Thomas Gunlock
Linda Haycock  Nancy Hollister
Meryl Johnson  C. Todd Jones
Martha Manchester  Kathleen McGervey
Charlotte McGuire  Antoinette Miranda
Nick Owens  Eric Poklar
Rebecca Vazquez-Skillings  Lisa Woods

EX OFFICIO MEMBERS

Senator Peggy Lehner  Representative Andrew Brenner

Review of Written Reports and Items for Vote

CONSENT AGENDA

1. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE ONE-YEAR EDUCATIONAL AIDE PERMIT OF WILLIAM L. GARRISON

2. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE THREE-YEAR PUPIL ACTIVITY PERMIT AND FOUR-YEAR RESIDENT EDUCATOR ADOLESCENCE TO YOUNG ADULT TEACHING LICENSE OF ALEX J. LUCIUS

3. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL EARLY CHILDHOOD TEACHING LICENSE OF DONALD S. RILEY

ADMINISTRATIVE RULES

4. RESOLUTION TO ADOPT UPDATED RULE 3301-102-07 OF THE ADMINISTRATIVE CODE REGARDING REVOCATION OF SPONSORSHIP AUTHORITY

Items 5 through 13 were school personnel resolutions.

TERRITORY TRANSFERS

There were no Territory Transfers for adoption in January.
MISCELLANEOUS RESOLUTIONS

14. RESOLUTION TO APPROVE THE INDIAN HILL EXEMPTED VILLAGE SCHOOL DISTRICT BOARD OF EDUCATION’S PAYMENT IN LIEU OF TRANSPORTATION OF CERTAIN STUDENTS ATTENDING MIAMI VALLEY CHRISTIAN ACADEMY, THE SEVEN HILLS SCHOOL, THE SPRINGER SCHOOL AND CENTER, ST. URSULA VILLA SCHOOL, AND SUMMIT COUNTRY DAY SCHOOL IN HAMILTON COUNTY, OHIO

15. RESOLUTION OF INTENT TO APPROVE CHANGES TO SECTIONS (F) AND (G) OF THE BOARD’S POLICIES AND PROCEDURE MANUAL

16. RESOLUTION TO ADOPT A FRAMEWORK FOR THE OVERALL GRADE FOR THE CAREER-TECHNICAL EDUCATION REPORT CARD

ITEM 16 WAS PULLED FROM THE VOTING AGENDA.

17. RESOLUTION OF INTENT TO REFER THE JONATHON ALDER LOCAL SCHOOL DISTRICT’S DETERMINATION OF IMPRACTICAL TRANSPORTATION OF CERTAIN STUDENTS ATTENDING ST. BRIGID OF KILDARE SCHOOL IN FRANKLIN COUNTY, OHIO TO A HEARING OFFICER

18. RESOLUTION TO APPROVE THE WORK GROUP MEMBERS FOR THE GRADUATION REQUIREMENTS WORK GROUP

ITEM 18 WAS ADDED AND APPROVED AT THE BOARD MEETING.

Ms. Fowler welcomed Board members and guests, and led the Board in the Pledge of Allegiance.

Report of the Superintendent of Public Instruction

Superintendent DeMaria and key staff provided Board members with updates on the following topics:

- Presentation from Ohio Leadership Advisory Council (OLAC)
- Establishing an Ohio Post-Secondary Credential Attainment Goal
- Presentation on Math & English Language Arts Standards Revisions
- Superintendent’s Work Group on Graduation Requirements Appointments

The State Board recessed for lunch from 1:05 p.m. to 1:55 p.m.

President Elshoff called on Vice President Hollister, who Moved 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.

Mrs. McGuire Seconded the motion.
The President called for a roll call vote.

**YES VOTES**

- Pat Bruns
- Tess Elshoff
- Sarah Fowler
- Linda Haycock
- Meryl Johnson
- Martha Manchester
- Charlotte McGuire
- Nick Owens
- Rebecca Vazquez-Skillings
- Stephanie Dodd
- Cathye Flory
- Thomas Gunlock
- Nancy Hollister
- C. Todd Jones
- Kathleen McGervey
- Antoinette Miranda
- Eric Poklar
- Lisa Woods

Motion carried.

The Board went into Executive Session at 2:50 p.m.

The Board recessed from Executive Session at 3:15 p.m.

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**PUBLIC PARTICIPATION ON ACTION ITEMS**

There was no Public Participation on Action Items.

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President Elshoff called on Superintendent DeMaria for his report and recommendations.

President Elshoff presented the following recommendations (Items 1-3) on the Consent Agenda:

1. **RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE ONE-YEAR EDUCATIONAL AIDE PERMIT OF WILLIAM L. GARRISON**

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

WHEREAS William L. Garrison holds a one-year educational aide permit issued in 2016; and

WHEREAS on November 18, 2016, the Ohio Department of Education received a voluntary surrender form from William L. Garrison, which authorizes the State Board of Education to enter an order permanently revoking his one-year educational aide permit issued in 2016 based upon Mr. Garrison's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

WHEREAS the form specifies that William L. Garrison is ineligible for and may not reapply for certification or licensure in the state of Ohio; and
WHEREAS William L. Garrison has waived his right to a hearing and authorizes the State Board of Education to enter an order permanently revoking his one-year educational aide permit issued in 2016: 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 William L. Garrison’s one-year educational aide permit issued in 2016 based upon Mr. Garrison’s decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders William L. Garrison be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

2. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE THREE-YEAR PUPIL ACTIVITY PERMIT AND FOUR-YEAR RESIDENT EDUCATOR ADOLESCENCE TO YOUNG ADULT TEACHING LICENSE OF ALEX J. LUCIUS

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

WHEREAS Alex J. Lucius held a three-year pupil activity permit issued in 2014 and four-year resident educator adolescence to young adult teaching license issued in 2012; and

WHEREAS on November 14, 2016, the Ohio Department of Education received a voluntary surrender form from Alex J. Lucius, which authorizes the State Board of Education to enter an order permanently revoking his three-year pupil activity permit issued in 2014 and four-year resident educator adolescence to young adult teaching license issued in 2012 based upon Mr. Lucius’ decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

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

WHEREAS Alex J. Lucius has waived his right to a hearing and authorizes the State Board of Education to enter an order permanently revoking his three-year pupil activity permit issued in 2014 and four-year resident educator adolescence to young adult teaching license issued in 2012: 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 Alex J. Lucius’ three-year pupil activity permit issued in 2014 and four-year
resident educator adolescence to young adult teaching license issued in 2012 based upon Mr. Lucius’ decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Alex J. Lucius be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

3. RESOLUTION TO ACCEPT THE VOLUNTARY SURRENDER AND TO ENTER AN ORDER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL EARLY CHILDHOOD TEACHING LICENSE OF DONALD S. RILEY

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

WHEREAS Donald S. Riley holds a five-year professional early childhood teaching license issued in 2014; and

WHEREAS on December 2, 2016, the Ohio Department of Education received a voluntary surrender form from Donald S. Riley, which authorizes the State Board of Education to enter an order permanently revoking his five-year professional early childhood teaching license issued in 2014 based upon Mr. Riley’s decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

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

WHEREAS Donald S. Riley has waived his right to a hearing and authorizes the State Board of Education to enter an order permanently revoking his five-year professional early childhood teaching license issued in 2014: 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 Donald S. Riley’s five-year professional early childhood teaching license issued in 2014 based upon Mr. Riley’s decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Donald S. Riley be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

RESOLVED, That the State Superintendent of Public Instruction be, and he hereby is, directed to notify Mr. Riley of this action.
It was Moved by Ms. McGervey and Seconded by Ms. Bruns that the Consent Agenda (Items 1 - 3) be approved.

President Elshoff called for a roll call vote.

YES VOTES
Pat Bruns
Tess Elshoff
Sarah Fowler
Linda Haycock
Meryl Johnson
Martha Manchester
Charlotte McGuire
Nick Owens
Rebecca Vazquez-Skillings
Stephanie Dodd
Cathye Flory
Thomas Gunlock
Nancy Hollister
C. Todd Jones
Kathleen McGervey
Antoinette Miranda
Eric Poklar
Lisa Woods

Motion carried.

Ms. Fowler presented the following recommendation (Item 4):

4. RESOLUTION TO ADOPT UPDATED RULE 3301-102-07 OF THE ADMINISTRATIVE CODE REGARDING REVOCATION OF SPONSORSHIP AUTHORITY

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

Ohio Revised Code Sections 3314.015, 3314.016, and 3314.08 require the State Board of Education to adopt rules to implement the provisions of those sections;

Am. Sub H.B. 2 of the 131st General Assembly significantly amended the statutes governing community schools and sponsors and these rules were updated to address those statutory changes;

The State Board of Education during its June, 2016 meeting approved a Resolution of Intent to adopt Rule 3301-102-07 of the Administrative Code;

The Ohio Department of Education received additional public comments and made further changes to the rule; and

During its December, 2016 meeting, the Capacity Committee reviewed the proposed changes to the rules and approved these proposed changes and recommended these rules for approval by the State Board of Education.
NOW, THEREFORE BE IT RESOLVED, that the State Board of Education approves the updated Rule 3301-102-07 of the Administrative Code, which are attached hereto and incorporated herein by this reference; and

FURTHER RESOLVED, that the Superintendent of Public Instruction or his designee be, and he hereby is, directed to file the rules with the proper agencies, and the same be made available upon request, without charge, to all persons affected by said rule; and

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.

It was Moved by Ms. Fowler that the above recommendation (Item 4) be approved.

President Elshoff called for a roll call vote.

YES VOTES
Pat Bruns  Stephanie Dodd
Tess Elshoff  Cathye Flory
Sarah Fowler  Thomas Gunlock
Linda Haycock  Nancy Hollister
Meryl Johnson  C. Todd Jones
Martha Manchester  Kathleen McGervey
Charlotte McGuire  Antoinette Miranda
Nick Owens  Eric Poklar
Rebecca Vazquez-Skillings  Lisa Woods

Motion carried.

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

5. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO DENY THE TWO-YEAR EXTENSION OF A FOUR-YEAR RESIDENT EDUCATOR INTERVENTION SPECIALIST TEACHING LICENSE APPLICATION OF DURAN A. BROWN

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

WHEREAS Duran A. Brown has applied for a two-year extension of his four-year resident educator intervention specialist teaching license issued in 2011; and

WHEREAS on January 13, 2016, the Interim State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Duran A.
Brown of its intent to deny or permanently deny his application for a two-year extension of his four-year resident educator intervention specialist teaching license issued in 2011 pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(a), and (F). The notice was based upon Mr. Brown's 2012 conviction in the United States District Court for the Northern District of Ohio for one felony count of conspiracy to commit wire fraud, 2010 conviction in the Cleveland Municipal Court for one misdemeanor count of building code violation, 2007 conviction in the East Cleveland Municipal Court for one misdemeanor count of tampering and interference with water division equipment, and failure to disclose his 2007 and 2010 convictions on his 2010, 2011, and 2015 applications to the Ohio Department of Education; and

WHEREAS Mr. Brown requested a hearing regarding the State Board of Education's intent; and

WHEREAS a hearing was held on July 12, 2016; and

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

WHEREAS the hearing officer recommends that Mr. Brown's pending application be denied and that he be ineligible to apply for any license issued by the State Board of Education for a period of five years from the date on which he completes his probation provided that he can satisfy the rehabilitation criteria established by Rule 3301-20-01(E) of the Ohio Administrative Code. The hearing officer's recommendation is based upon Mr. Brown engaging in conduct that reflects negatively upon the teaching profession, Mr. Brown still being on probation, and Mr. Brown still paying his court-ordered restitution; and

WHEREAS the State Board of Education considered the objections to the hearing officer's report and recommendation which Mr. Brown timely filed; and

WHEREAS the State Board of Education has considered the factors listed in Rule 3301-73-21 of the Ohio Administrative Code and has considered the Licensure Code of Professional Conduct for Ohio Educators, which contains standards for the teaching profession and provides guidelines for conduct that is unbecoming to the teaching profession: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(a), and (F), hereby DENIES Duran A. Brown's application for a two-year extension of his four-year resident educator intervention specialist teaching license issued in 2011 based upon Mr. Brown's 2012 conviction in the United States District Court for the Northern District of Ohio for one felony count of conspiracy to commit wire fraud, 2010 conviction in the Cleveland Municipal Court for one misdemeanor count of building code violation, 2007 conviction in the East Cleveland Municipal Court for one misdemeanor count of tampering and interference with water division equipment, and failure to disclose his 2007 and 2010 convictions on his 2010,
2011, and 2015 applications to the Ohio Department of Education. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(a), orders that Duran A. Brown be ineligible to reapply for any license issued by the State Board of Education until five years after the date on which he completes his probation provided that he can satisfy the rehabilitation criteria established by Rule 3301-20-01(E) of the Ohio Administrative Code; and, Be It Further

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

It was Moved by Ms. McGervey and Seconded by Mrs. Dodd that the above recommendation (Item 5) be approved.

President Elshoff called for a roll call vote.

YES VOTES
Pat Bruns  Stephanie Dodd
Tess Elshoff  Cathye Flory
Sarah Fowler  Thomas Gunlock
Linda Haycock  Nancy Hollister
Meryl Johnson  C. Todd Jones
Martha Manchester  Kathleen McGervey
Charlotte McGuire  Antoinette Miranda
Nick Owens  Eric Poklar
Rebecca Vazquez-Skillings  Lisa Woods

Motion carried.

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

6. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO DENY PERMANENTLY THE THREE-YEAR PUPIL ACTIVITY PERMIT APPLICATION OF DELMARR O. CALHOUN, SR.

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

WHEREAS Delmarr O. Calhoun, Sr. has applied for a three-year pupil activity permit; and

WHEREAS on December 8, 2015, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Delmarr O. Calhoun, Sr. of its intent to deny or permanently deny his application for a three-year pupil activity permit pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(a), (B)(2)(b), (B)(2)(c), and (F), and Rule 3301-20-01(E) of the Ohio Administrative Code. The notice was based upon Mr. Calhoun, Sr.’s 2012 conviction in the United States District Court for the Northern District of Ohio
for one felony count of health care fraud, 2009 conviction in the Bedford Municipal Court for one misdemeanor count of obstructing official business, 2009 conviction in the Cuyahoga County Court of Common Pleas for one felony count of passing bad checks and one felony count of theft, 2005 conviction in the Cuyahoga County Court of Common Pleas for one felony count of passing bad checks, 2004 conviction in the Euclid Municipal Court for one misdemeanor count of curfew, 2001 conviction in the Bedford Municipal Court for one misdemeanor count of disorderly conduct, 1997 conviction in the Cleveland Municipal Court for one misdemeanor count of aggravated trespass, 1997 conviction in the Cuyahoga County Court of Common Pleas for one felony count of attempted assault on a peace officer, 1997 conviction in the Cleveland Municipal Court for one misdemeanor count of criminal trespass, 1996 conviction in the Cleveland Municipal Court for one misdemeanor count of assault, and 1994 conviction in the Bedford Municipal Court for one misdemeanor count of theft; and

WHEREAS Mr. Calhoun, Sr. requested a hearing regarding the State Board of Education's intent; and

WHEREAS a hearing was held on August 23, 2016; and

WHEREAS Mr. Calhoun, Sr. was present at the hearing, but counsel did not represent him; and

WHEREAS the hearing officer recommends that Mr. Calhoun, Sr.’s pending application be denied and he be permanently ineligible to apply for any license issued by the State Board of Education. The hearing officer’s recommendation is based upon Mr. Calhoun, Sr. engaging in conduct unbecoming an applicant due to his four felony convictions and numerous misdemeanor convictions and Mr. Calhoun, Sr. not being able to meet the rehabilitation criteria established by Rule 3301-20-01(E) of the Ohio Administrative Code because he has more than two convictions for felony offenses; and

WHEREAS the State Board of Education has considered the factors listed in Rule 3301-73-21 of the Ohio Administrative Code and has considered the Licensure Code of Professional Conduct for Ohio Educators, which contains standards for the teaching profession and provides guidelines for conduct that is unbecoming to the teaching profession: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(a), (B)(2)(b), (B)(2)(c), and (F), and Rule 3301-20-01(E) of the Ohio Administrative Code, hereby DENIES Delmarr O. Calhoun, Sr.’s application for a three-year pupil activity permit based upon Mr. Calhoun, Sr.’s 2012 conviction in the United States District Court for the Northern District of Ohio for one felony count of health care fraud, 2009 conviction in the Bedford Municipal Court for one misdemeanor count of obstructing official business, 2009 conviction in the Cuyahoga County Court of Common Pleas for one felony count of passing bad checks and one felony count of theft, 2005 conviction in the Cuyahoga County Court of Common
Pleas for one felony count of passing bad checks, 2004 conviction in the Euclid Municipal Court for one misdemeanor count of curfew, 2001 conviction in the Bedford Municipal Court for one misdemeanor count of disorderly conduct, 1997 conviction in the Cleveland Municipal Court for one misdemeanor count of aggravated trespass, 1997 conviction in the Cuyahoga County Court of Common Pleas for one felony count of attempted assault on a peace officer, 1997 conviction in the Cleveland Municipal Court for one misdemeanor count of criminal trespass, 1996 conviction in the Cleveland Municipal Court for one misdemeanor count of assault, and 1994 conviction in the Bedford Municipal Court for one misdemeanor count of theft. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders Delmarr O. Calhoun, Sr. be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

It was Moved by Mrs. McGuire and Seconded by Mrs. Hollister that the above recommendation (Item 6) be approved.

President Elshoff called for a roll call vote.

YES VOTES
Pat Bruns
Tess Elshoff
Sarah Fowler
Linda Haycock
Meryl Johnson
Martha Manchester
Charlotte McGuire
Nick Owens
Lisa Woods
Stephanie Dodd
Cathye Flory
Thomas Gunlock
Nancy Hollister
C. Todd Jones
Kathleen McGervey
Antoinette Miranda
Rebecca Vazquez-Skillings

ABSTAIN
Eric Poklar

Motion carried.

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

7. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL PRINCIPAL LICENSE AND FIVE-YEAR PROFESSIONAL EDUCATION OF THE HANDICAPPED TEACHING LICENSE OF TIFFANY L. CHAVERS

I RECOMMEND that the State Board of Education ADOPT the following Resolution:
WHEREAS Tiffany L. Chavers holds a five-year professional principal license issued in 2013 and a five-year professional education of the handicapped teaching license issued in 2012; and

WHEREAS on March 7, 2016, the Interim State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Tiffany L. Chavers of its intent to determine whether to limit, suspend, revoke, or permanently revoke her five-year professional principal license issued in 2013 and five-year professional education of the handicapped teaching license issued in 2012 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Chavers, while employed as an administrator during the 2010-2011 school year, engaging in the following conduct that is negligent and/or unbecoming to the teaching profession: Ms. Chavers withdrew, or her acts, conduct, and/or omissions, allowed school building personnel to withdraw, multiple students from her school for impermissible reasons; and Ms. Chavers changed the grades of multiple students in her school for impermissible reasons; and

WHEREAS Ms. Chavers requested a hearing regarding the State Board of Education’s intent, but she withdrew her request prior to the hearing; and

WHEREAS a hearing was held on July 25, 2016; and

WHEREAS Ms. Chavers was not present at the hearing, nor did counsel represent her; and

WHEREAS the hearing officer recommends that Ms. Chavers’ licenses be permanently revoked and she be permanently ineligible to apply for any license issued by the State Board of Education. The hearing officer’s recommendation is based upon Ms. Chavers acting negligently and engaging in conduct unbecoming to the teaching profession during the 2010-2011 school year when she generated and reported false student enrollment data on a large scale in violation of state and federal laws for reporting such data, thereby negatively affecting the school community by artificially inflating the school’s academic rating, and when she changed the grades of students without any permissible reason, thereby adversely affecting students who did not have the benefit of remedial instruction that would otherwise have been available to them had their academic situation been accurately reported; and

WHEREAS the State Board of Education has considered the factors listed in Rule 3301-73-21 of the Ohio Administrative Code and has considered the Licensure Code of Professional Conduct for Ohio Educators, which contains standards for the teaching profession and provides guidelines for conduct that is unbecoming to the teaching profession: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby REVOKES Tiffany L. Chavers’ five-year professional principal license issued in 2013 and five-year professional education of the handicapped teaching license issued in 2012 based upon
Ms. Chavers, while employed as an administrator during the 2010-2011 school year, engaging in the following conduct that is negligent and/or unbecoming to the teaching profession: Ms. Chavers withdrew, or her acts, conduct, and/or omissions, allowed school building personnel to withdraw, multiple students from her school for impermissible reasons; and Ms. Chavers changed the grades of multiple students in her school for impermissible reasons. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Tiffany L. Chavers be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

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

Ms. Johnson Moved to Amend the resolution by substitution. She proposed to revoke only the Principals license of Ms. Chavers, not her teaching license. Ms. Bruns Seconded the motion. Ms. Johnson stated that Ms. Chavers was acting in the capacity of a principal and the pressure of making her school look good and the incentive of the bonus should not prohibit her from receiving a second chance and the ability to retain her teaching license.

Mr. Jones stated that if an individual did not defend themselves, why should the State Board speculate on your position. Ms. Chavers betrayed her children and the teaching profession and this is a form of fraud.

Mr. Owens stated he would not support the proposed amendment. Ms. Chavers was afforded due process and should have defended herself if she wanted to maintain her teaching license. This was also a bold act of dishonesty.

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

YES VOTES
    Meryl Johnson

NO VOTES
    Pat Bruns
    Tess Elshoff
    Sarah Fowler
    Linda Haycock
    C. Todd Jones
    Kathleen McGervey
    Nick Owens
    Rebecca Vazquez-Skillings
    Stephanie Dodd
    Cathye Flory
    Thomas Gunlock
    Nancy Hollister
    Martha Manchester
    Charlotte McGuire
    Eric Poklar
    Lisa Woods

ABSTAIN
    Antoinette Miranda

Motion denied.
INTRODUCTION

President Elshoff called for a roll call vote on the original resolution.

YES VOTES
Pat Bruns
Tess Elshoff
Sarah Fowler
Linda Haycock
C. Todd Jones
Kathleen McGervey
Nick Owens
Rebecca Vazquez-Skillings

Stephanie Dodd
Cathye Flory
Thomas Gunlock
Nancy Hollister
Martha Manchester
Charlotte McGuire
Eric Poklar
Lisa Woods

NO VOTES
Meryl Johnson

ABSTAIN
Antoinette Miranda

Motion carried.

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

**8. RESOLUTION TO REVOKE PERMANENTLY THE ONE-YEAR SUBSTITUTE INTERVENTION SPECIALIST TEACHING LICENSE OF THOMAS J. COLLINS**

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

WHEREAS Thomas J. Collins held a one-year substitute intervention specialist teaching license issued in 2015; and

WHEREAS on August 9, 2016, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Thomas J. Collins of its intent to determine whether to limit, suspend, revoke, or permanently revoke his one-year substitute intervention specialist teaching license issued in 2015 pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(a), and (B)(2)(d). The notice was based upon Mr. Collins's 2016 conviction in the Pike County Court of Common Pleas for one felony count of possession of drugs; and

WHEREAS the notice informed Mr. Collins 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 substitute intervention specialist teaching license issued in 2015; and

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

WHEREAS...
WHEREAS the State Board of Education has reviewed the affidavit of the director of the Office of Professional Conduct, Notice of the State Board of Education’s Intended Action and Opportunity for a Hearing, certified court records from the Pike County Court of Common Pleas, and certified police records from the Pike County Sheriff’s Office; and

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

WHEREAS the State Board of Education has considered the factors listed in Rule 3301-73-21 of the Ohio Administrative Code and has considered the Licensure Code of Professional Conduct for Ohio Educators, which contains standards for the teaching profession and provides guidelines for conduct that is unbecoming to the teaching profession: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(a), and (B)(2)(d), hereby REVOKES Thomas J. Collins’ one-year substitute intervention specialist teaching license issued in 2015 based upon Mr. Collins’ 2016 conviction in the Pike County Court of Common Pleas for one felony count of possession of drugs. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Thomas J. Collins be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It

Further

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

It was Moved by Mrs. McGuire and Seconded by Mrs. Flory that the above recommendation (Item 8) be approved.

President Elshoff called for a roll call vote.

YES VOTES
Pat Bruns              Stephanie Dodd
Tess Elshoff          Cathye Flory
Sarah Fowler          Thomas Gunlock
Linda Haycock         Nancy Hollister
Meryl Johnson         C. Todd Jones
Martha Manchester     Kathleen McGervey
Charlotte McGuire     Antoinette Miranda
Nick Owens            Eric Poklar
Rebecca Vazquez-Skillings Lisa Woods

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

9. RESOLUTION TO DENY PERMANENTLY THE THREE-YEAR PUPIL ACTIVITY PERMIT APPLICATION OF TERRY R. HEARD, JR.

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

WHEREAS Terry R. Heard, Jr. has applied for a three-year pupil activity permit; and

WHEREAS on September 21, 2016, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Terry R. Heard, Jr. of its intent to deny or permanently deny his application for a three-year pupil activity permit pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Heard, Jr.’s 2013 conviction in the Kettering Municipal Court for one misdemeanor count of disorderly conduct, 2011 conviction in the Vandalia Municipal Court for one misdemeanor count of disorderly conduct, 2010 conviction in the Dayton Municipal Court for one misdemeanor count of falsification, 2009 conviction in the Metropolitan Nashville and Davidson County, Tennessee Criminal Court for one misdemeanor count of underage consumption, 2009 conviction in the Metropolitan Nashville and Davidson County, Tennessee Criminal Court for one misdemeanor count of disorderly conduct, 2009 conviction in the Metropolitan Nashville and Davidson County, Tennessee Criminal Court for one misdemeanor count of criminal impersonation, 2009 conviction in the Fairborn Municipal Court for one misdemeanor count of underage consumption, and failure to disclose his convictions on his pending application to the Ohio Department of Education; and

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

WHEREAS Terry R. Heard, Jr. did not request a hearing in accordance with Section 119.07 of the Revised Code; and

WHEREAS the State Board of Education has reviewed the affidavit of the director of the Office of Professional Conduct, Notice of the State Board of Education’s Intended Action and Opportunity for a Hearing, certified court records from the Kettering Municipal Court, Vandalia Municipal Court, Dayton Municipal Court, Fairborn Municipal Court, and Metropolitan Nashville and Davidson County, Tennessee Criminal Court, certified police records from the Montgomery County Sheriff’s Office, and police records from the Dayton Police Department, Beavercreek Police Department, and Nashville, Tennessee Metropolitan Police Department; and

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

WHEREAS the State Board of Education has considered the factors listed in Rule 3301-73-21 of the Ohio Administrative Code and has considered the Licensure Code of Professional Conduct for Ohio Educators, which contains standards for the teaching profession and provides guidelines for conduct that is unbecoming to the teaching profession: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby DENIES Terry R. Heard, Jr.’s application for a three-year pupil activity permit based upon Mr. Heard, Jr.’s 2013 conviction in the Kettering Municipal Court for one misdemeanor count of disorderly conduct, 2011 conviction in the Vandalia Municipal Court for one misdemeanor count of disorderly conduct, 2010 conviction in the Dayton Municipal Court for one misdemeanor count of falsification, 2009 conviction in the Metropolitan Nashville and Davidson County, Tennessee Criminal Court for one misdemeanor count of underage consumption, 2009 conviction in the Metropolitan Nashville and Davidson County, Tennessee Criminal Court for one misdemeanor count of disorderly conduct, 2009 conviction in the Metropolitan Nashville and Davidson County, Tennessee Criminal Court for one misdemeanor count of disorderly conduct, 2009 conviction in the Metropolitan Nashville and Davidson County, Tennessee Criminal Court for one misdemeanor count of criminal impersonation, 2009 conviction in the Fairborn Municipal Court for one misdemeanor count of underage consumption, and failure to disclose his convictions on his pending application to the Ohio Department of Education. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders Terry R. Heard, Jr. be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

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

President Elshoff called for a roll call vote.

YES VOTES
Pat Bruns
Tess Elshoff
Sarah Fowler
Linda Haycock
Meryl Johnson
Martha Manchester
Charlotte McGuire
Nick Owens
Rebecca Vazquez-Skillings

Yes
Stephanie Dodd
Cathye Fiory
Thomas Gunlock
Nancy Hollister
C. Todd Jones
Kathleen McGervey
Antoinette Miranda
Eric Poklar
Lisa Woods

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

10. RESOLUTION TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL OCCUPATIONAL THERAPIST LICENSE OF DEBORAH L. KENDIG

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

WHEREAS Deborah L. Kendig held a five-year professional occupational therapist license issued in 2011; and

WHEREAS on October 11, 2016, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Deborah L. Kendig of its intent to determine whether to limit, suspend, revoke, or permanently revoke her five-year professional occupational therapist license issued in 2011 pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(a). The notice was based upon Ms. Kendig's 2014 conviction in the Franklin County Court of Common Pleas for one felony count of theft which stemmed from her documenting and billing for occupational therapy services that she did not provide while she worked as an occupational therapist for a school district; and

WHEREAS the notice informed Ms. Kendig that if she fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code, the State Board of Education will proceed to determine whether to limit, suspend, revoke, or permanently revoke her five-year professional occupational therapist license issued in 2011; and

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

WHEREAS the State Board of Education has reviewed the affidavit of the director of the Office of Professional Conduct, Notice of the State Board of Education’s Intended Action and Opportunity for a Hearing, certified court records from the Franklin County Court of Common Pleas, the consent agreement dated March 4, 2015 between Ms. Kendig and the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board, and findings of the Medicaid Fraud Control Unit of the Ohio Attorney General's Office; and

WHEREAS Ohio Administrative Code Rule 3301-73-05 authorizes the State Board of Education to impose disciplinary action against any licenses held or applied for without holding an administrative hearing if the applicant and/or license holder fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code; and
WHEREAS the State Board of Education has considered the factors listed in Rule 3301-73-21 of the Ohio Administrative Code and has considered the Licensure Code of Professional Conduct for Ohio Educators, which contains standards for the teaching profession and provides guidelines for conduct that is unbecoming to the teaching profession: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(a), hereby REVOSES Deborah L. Kendig's five-year professional occupational therapist license issued in 2011 based upon Ms. Kendig's 2014 conviction in the Franklin County Court of Common Pleas for one felony count of theft which stemmed from her documenting and billing for occupational therapy services that she did not provide while she worked as an occupational therapist for a school district. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Deborah L. Kendig be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

It was Moved by Mrs. McGuire and Seconded by Ms. McGervey that the above recommendation (Item 10) be approved.

President Elshoff called for a roll call vote.

YES VOTES
Pat Bruns
Tess Elshoff
Sarah Fowler
Linda Haycock
Meryl Johnson
Martha Manchester
Charlotte McGuire
Nick Owens
Rebecca Vazquez-Skillings

Stephanie Dodd
Cathye Flory
Thomas Gunlock
Nancy Hollister
C. Todd Jones
Kathleen McGervey
Antoinette Miranda
Eric Poklar
Lisa Woods

Motion carried.

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

11. RESOLUTION TO REVOKE THE THREE-YEAR PUPIL ACTIVITY PERMIT OF MATTHEW W. LEWIS

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

WHEREAS Matthew W. Lewis holds a three-year pupil activity permit issued in 2015; and
WHEREAS on September 30, 2016, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Matthew W. Lewis of its intent to determine whether to limit, suspend, revoke, or permanently revoke his three-year pupil activity permit issued in 2015 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Lewis’ 2016 conviction in the Mansfield Municipal Court for one misdemeanor count of negligent assault; and

WHEREAS the notice informed Mr. Lewis that if he fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code, the State Board of Education will proceed to determine whether to limit, suspend, revoke, or permanently revoke his three-year pupil activity permit issued in 2015; and

WHEREAS Matthew W. Lewis did not request a hearing in accordance with Section 119.07 of the Revised Code; and

WHEREAS the State Board of Education has reviewed the affidavit of the director of the Office of Professional Conduct, Notice of the State Board of Education’s Intended Action and Opportunity for a Hearing, certified court records from the Mansfield Municipal Court, and certified police records from the Richland County Sheriff's Office; and

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

WHEREAS the State Board of Education has considered the factors listed in Rule 3301-73-21 of the Ohio Administrative Code and has considered the Licensure Code of Professional Conduct for Ohio Educators, which contains standards for the teaching profession and provides guidelines for conduct that is unbecoming to the teaching profession: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby REVOKES Matthew W. Lewis’ three-year pupil activity permit issued in 2015 based upon Mr. Lewis’ 2016 conviction in the Mansfield Municipal Court for one misdemeanor count of negligent assault. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that Matthew W. Lewis may not reapply for any license issued by the State Board of Education until on or after January 9, 2019 and that prior to reapplication, Mr. Lewis must submit verification to the Ohio Department of Education that he has completed at his own cost a course or program on anger management; and, Be It Further

RESOLVED, That the State Superintendent of Public Instruction be, and he hereby is, directed to notify Mr. Lewis of this action.
It was Moved by Ms. Johnson and Seconded by Ms. Fowler that the above recommendation (Item 11) be approved.

President Elshoff called for a roll call vote.

YES VOTES
Pat Bruns
Tess Elshoff
Sarah Fowler
Linda Haycock
Meryl Johnson
Martha Manchester
Charlotte McGuire
Nick Owens
Rebecca Vazquez-Skillings
Stephanie Dodd
Cathye Flory
Thomas Gunlock
Nancy Hollister
C. Todd Jones
Kathleen McGervey
Antoinette Miranda
Eric Poklar
Lisa Woods

Motion carried.

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

12. RESOLUTION TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL EDUCATION OF THE HANDICAPPED TEACHING LICENSE, FIVE-YEAR PROFESSIONAL ELEMENTARY TEACHING LICENSE, AND FIVE-YEAR PROFESSIONAL SUPERVISOR LICENSE OF JOHN A. WACHAUF

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

WHEREAS John A. Wachauf holds a five-year professional education of the handicapped teaching license issued in 2014, five-year professional elementary teaching license issued in 2014, and five-year professional supervisor license issued in 2014; and

WHEREAS on October 6, 2016, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified John A. Wachauf of its intent to determine whether to limit, suspend, revoke, or permanently revoke his five-year professional education of the handicapped teaching license issued in 2014, five-year professional elementary teaching license issued in 2014, and five-year professional supervisor license issued in 2014 pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(a), and (F). The notice was based upon Mr. Wachauf's 2016 conviction in the Buchanan County Circuit Court, Virginia for three felony counts of taking indecent liberties with children; and

WHEREAS the notice informed Mr. Wachauf that if he fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code, the State Board of Education will proceed to determine whether to limit, suspend, revoke, or permanently revoke his five-year professional education of the handicapped teaching license issued in 2014, five-year professional
elementary teaching license issued in 2014, and five-year professional supervisor license issued in 2014; and

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

WHEREAS the State Board of Education has reviewed the affidavit of the director of the Office of Professional Conduct, Notice of the State Board of Education’s Intended Action and Opportunity for a Hearing, and certified court records from the Buchanan County Circuit Court, Virginia; and

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

WHEREAS the State Board of Education has considered the factors listed in Rule 3301-73-21 of the Ohio Administrative Code and has considered the Licensure Code of Professional Conduct for Ohio Educators, which contains standards for the teaching profession and provides guidelines for conduct that is unbecoming to the teaching profession: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(a), and (F), hereby REVOKES John A. Wachauf’s five-year professional education of the handicapped teaching license issued in 2014, five-year professional elementary teaching license issued in 2014, and five-year professional supervisor license issued in 2014 based upon Mr. Wachauf’s 2016 conviction in the Buchanan County Circuit Court, Virginia for three felony counts of taking indecent liberties with children. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders John A. Wachauf be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

It was Moved by Mrs. Vazquez-Skillings and Seconded by Ms. Bruns that the above recommendation (Item 12) be approved.

President Elshoff called for a roll call vote.

YES VOTES

Pat Bruns  Stephanie Dodd
Tess Elshoff  Cathye Fiory
Sarah Fowler  Thomas Gunlock
Linda Haycock  Nancy Hollister
Meryl Johnson  C. Todd Jones
Martha Manchester  Kathleen McGervey
Lori Kelly, Director, Office of Professional Conduct, presented the following recommendation (Item 13):

13. RESOLUTION TO REVOKE PERMANENTLY THE ONE-YEAR EDUCATIONAL AIDE PERMIT OF PRESTON T. WATSON

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

WHEREAS Preston T. Watson holds a one-year educational aide permit issued in 2016; and

WHEREAS on October 12, 2016, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Preston T. Watson of the automatic suspension of his one-year educational aide permit issued in 2016 pursuant to his 2016 consent agreement with the State Board of Education. The notice advised Mr. Watson that the State Board intended to determine whether to continue the automatic suspension of his permit or whether to limit, revoke, or permanently revoke his permit pursuant to Ohio Revised Code 3319.31(B)(1). The notice also advised Mr. Watson that he had a right to request an administrative hearing to challenge the automatic suspension of his permit and the State Board’s intent to continue the automatic suspension of his permit and/or to limit, revoke, or permanently revoke his permit if such hearing was requested within 30 days of the mailing of said notice. The notice was based upon Mr. Watson violating his consent agreement with the State Board of Education, dated May 12, 2016, by testing positive for the presence of marijuana during a random drug/alcohol test on September 30, 2016; and

WHEREAS the notice informed Mr. Watson 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 continue the automatic suspension or whether to limit, revoke, or permanently revoke his one-year educational aide permit issued in 2016; and

WHEREAS Preston T. Watson 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 affidavits of the director and a paralegal of the Office of Professional Conduct, Notice of the State Board of Education’s Intended Action and Opportunity for a Hearing, the consent agreement dated May 12, 2016 between Mr. Watson and the State Board of Education, and correspondence between the Ohio Department of Education and Mr. Watson; and
WHEREAS Ohio Administrative Code Rule 3301-73-05 authorizes the State Board of Education to impose disciplinary action against any licenses held or applied for without holding an administrative hearing if the applicant and/or license holder fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code; and

WHEREAS the State Board of Education has considered the factors listed in Rule 3301-73-21 of the Ohio Administrative Code and has considered the Licensure Code of Professional Conduct for Ohio Educators, which contains standards for the teaching profession and provides guidelines for conduct that is unbecoming to the teaching profession: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby REVOKES Preston T. Watson’s one-year educational aide permit issued in 2016 based upon Mr. Watson violating his consent agreement with the State Board of Education, dated May 12, 2016, by testing positive for the presence of marijuana during a random drug/alcohol test on September 30, 2016. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Preston T. Watson be permanently ineligible to apply for any license issued by the State Board of Education; and, Be It Further

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

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

President Elshoff called for a roll call vote.

YES VOTES
Pat Bruns
Tess Elshoff
Sarah Fowler
Linda Haycock
Meryl Johnson
Martha Manchester
Charlotte McGuire
Nick Owens
Rebecca Vazquez-Skillings

Stephanie Dodd
Cathye Flory
Thomas Gunlock
Nancy Hollister
C. Todd Jones
Kathleen McGervey
Antoinette Miranda
Eric Poklar
Lisa Woods

Motion carried.

President Elshoff presented the following recommendation (Item 14):

14. RESOLUTION TO APPROVE THE INDIAN HILL EXEMPTED VILLAGE SCHOOL DISTRICT BOARD OF EDUCATION’S PAYMENT IN LIEU OF
TRANSPORTATION OF CERTAIN STUDENTS ATTENDING MIAMI VALLEY CHRISTIAN ACADEMY, THE SEVEN HILLS SCHOOL, THE SPRINGER SCHOOL AND CENTER, ST. URSULA VILLA SCHOOL, AND SUMMIT COUNTRY DAY SCHOOL IN HAMILTON COUNTY, OHIO

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

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

In compliance with procedures adopted by the State Board of Education on July 12, 1982, regarding payment in lieu of transportation, the Indian Hill Exempted Village School District Board of Education (Indian Hill) has requested that the State Board of Education approve the school district’s determination of payment in lieu of transportation of certain school-age residents to Miami Valley Christian Academy, The Seven Hill School, The Springer School and Center, St. Ursula Villa School, and Summit Country Day School in Hamilton County, Ohio;

On April 12, 2016, the State Board of Education adopted the Resolution of Intent to Consider Indian Hill Exempted Village School District Board of Education’s determination and notified the parties of their right to a hearing;

Pursuant to Chapter 119 of the Ohio Revised code, a hearing was held on the matter before a duly appointed hearing officer on July 20, 2016;

The hearing officer issued the attached report and recommendation on November 1, 2016 confirming Indian Hill’s determination that such transportation is impractical;

Three parents submitted timely objections to the hearing officer’s report and recommendation on November 16, 2016 and November 17, 2016; timely responses to objections were submitted on November 22, 2016 and on November 28, 2016; and

The State Board of Education has duly considered the report and recommendation of the hearing officer, timely submitted objections, and timely submitted responses.

NOW, THEREFORE BE IT RESOLVED, that the State Board of Education ADOPTS the recommendation of the hearing officer and does hereby approve Indian Hill Exempted Village School District Board of Education’s payment in lieu of transportation for certain students who attend Miami Valley Christian Academy, The Seven Hills School, The Springer School and Center, St. Ursula Villa School, and Summit Country Day School in Hamilton County, Ohio; and
FURTHER RESOLVED, that the Superintendent of Public Instruction be, and he hereby is, directed to notify the Indian Hill Exempted Village School District, the parents, and counsel of record, if applicable, of this action.

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

President Elshoff called for a roll call vote.

YES VOTES
Pat Bruns                Tess Elshoff
Cathye Flory            Thomas Gunlock
Linda Haycock           Nancy Hollister
Meryl Johnson           C. Todd Jones
Martha Manchester       Charlotte McGuire
Antoinette Miranda      Nick Owens
Eric Poklar             Rebecca Vazquez-Skillings
Lisa Woods

NO VOTES
Sarah Fowler            Kathleen McGeverey

ABSTAIN
Stephanie Dodd

Motion carried.

Mr. Gunlock presented the following recommendation (Item 15):

15. RESOLUTION OF INTENT TO APPROVE CHANGES TO SECTIONS (F) AND (G) OF THE BOARD’S POLICIES AND PROCEDURE MANUAL

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

Several Board members were interested in reviewing the professional development and corresponding provisions in the compensation section of the Board’s Policies and Procedure Manual;

In response to this interest, the President created a work group to review these provision;

As a result of the work group’s review of these provisions, proposed changes to Sections (F) and (G) of the Board’s Policies and Procedures Manual were presented to the Executive Committee on December 12, 2016;

After review of the changes, the Executive Committee recommends that the changes to Sections (F) and (G) be approved.
NOW, THEREFORE, BE IT RESOLVED, that the State Board of Education hereby accepts the Executive Committee’s recommendation to approve the changes to Section (F) and (G) of the Board’s Policies and Procedures Manual in the form attached hereto;

FURTHER RESOLVED, that the Board’s Policies and Procedure Manual is hereby amended to strike the existing language of Sections (F) and (G) and include the changes to Section (F) and (G) in the form attached hereto.

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

President Elshoff called for a roll call vote.

YES VOTES
   Pat Bruns          Stephanie Dodd
   Tess Elshoff       Cathye Flory
   Sarah Fowler       Linda Haycock
   Nancy Hollister    Kathleen McGervey
   Antoinette Miranda Nick Owens
   Eric Poklar        Rebecca Vazquez-Skillings
   Lisa Woods

NO VOTES
   Thomas Gunlock     C. Todd Jones

ABSTAIN
   Meryl Johnson      Martha Manchester
   Charlotte McGuire

Motion carried.

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

16. RESOLUTION TO ADOPT A FRAMEWORK FOR THE OVERALL GRADE FOR THE CAREER-TECHNICAL EDUCATION REPORT CARD

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

Ohio Revised Code Section 3302.033 established the career-technical education report card and requires that the State Board of Education approve the career-technical education report card;

The State Board of Education previously approved that the overall grade for the career-technical education report card shall be implemented at the same time that schools and districts receive an overall grade on their report card;
During the December, 2016 meeting, the Accountability Committee approved the career technical education report card overall grade for recommendation to the State Board of Education;

NOW, THEREFORE BE IT RESOLVED, That the State Board of Education hereby approves the career technical education report card beginning with the report card in which schools and districts receive an overall grade:

- The Achievement component shall constitute 30% of the overall career-technical education report card grade; and
- The Post-Program Outcomes component shall constitute 30% of the overall career-technical education report card grade; and;
- The Prepared for Success component shall constitute 20% of the overall career-technical education report card grade; and
- The Graduation component shall constitute 20% of the overall career-technical education report card grade.

• No career-technical planning district shall receive an overall grade of “A” unless all local targets for federal performance measures outlined in the Federal Accountability Results Component have been met.

After discussion, President Elshoff announced Item 16 would be pulled from the Voting Agenda and be brought back to the Board at the February meeting.

President Elshoff presented the following recommendation (Item 17):

17. RESOLUTION OF INTENT TO REFER THE JONATHON ALDER LOCAL SCHOOL DISTRICT’S DETERMINATION OF IMPRACTICAL TRANSPORTATION OF CERTAIN STUDENTS ATTENDING ST. BRIGID OF KILDARE SCHOOL IN FRANKLIN COUNTY, OHIO TO A HEARING OFFICER

I RECOMMEND That the State Board of Education ADOPT the following Resolution:

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 impractical;

Upon passing a resolution of such a determination, a city, local, or exempted village board of education must offer the parent, guardian, or other person in charge of the certain school-age resident payment in lieu of transportation;

The parent, guardian, or other person in charge of the certain school-age resident may either accept or reject the offer of payment in lieu of transportation;
Upon the request of the parent, guardian, or other person in charge of the certain school-age resident who rejects the offer of payment in lieu of transportation, the Ohio Department of Education shall conduct mediation procedures;

Should mediation not resolve the dispute, the State Board of Education shall conduct a hearing in accordance with Chapter 119 of the Ohio Revised Code;

In compliance with procedures adopted by the State Board of Education on July 12, 1982, regarding payment in lieu of transportation, mediation has not resolved the dispute and the Jonathon Alder Local School District has requested that the State Board of Education refer the school district’s determination of payment in lieu of transportation of certain students to St. Brigid of Kildare School in Franklin, Ohio, to a hearing officer.

THEREFORE, BE IT RESOLVED, that the State Board of Education does hereby declare its intent to consider the request of the Jonathon Alder Local School District to approve payment in lieu of transportation of certain students attending St. Brigid of Kildare School in Franklin County, Ohio, and to notify said district and other affected parties of their opportunity for a hearing, pursuant to Chapter 119. of the Revised Code; and

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

It was Moved by Ms. Fowler and Seconded by Ms. McGervey that the above recommendation (Item 17) be approved.

President Elshoff called for a roll call vote.

YES VOTES
- Pat Bruns
- Tess Elshoff
- Sarah Fowler
- Linda Haycock
- Meryl Johnson
- Martha Manchester
- Charlotte McGuire
- Nick Owens
- Rebecca Vazquez-Skillings
- Stephanie Dodd
- Cathye Flory
- Thomas Gunlock
- Nancy Hollister
- C. Todd Jones
- Kathleen McGervey
- Antoinette Miranda
- Eric Poklar
- Lisa Woods

Motion carried.

President Elshoff presented the following recommendation (Item 18):
18. RESOLUTION TO APPROVE THE WORK GROUP MEMBERS FOR THE GRADUATION REQUIREMENTS WORK GROUP

I move to approve the members of the work group for the graduation requirements:

- In September 2014, the State Board of Education approved the method of calculating the cumulative performance score based on the results of a student’s end of course exams.
- In September 2014, the State Board of Education approved eighteen points as the minimum cumulative performance score necessary on the end of course exams for a student to earn a high school diploma.
- In order to provide students with additional opportunities for meeting graduation requirements, the State Board of Education approved a resolution to direct the State Superintendent to create a work group to review the graduation requirements and consider alternative approaches, including proposed legislative and Board changes, in a public forum with the work group being no larger than 25 individuals that represent a diverse group of stakeholders, including a representative chosen by each of the Governor, the Speaker of the House and the Senate President, Board members, Superintendents and administrators, State Board Education members, ESCs, parents, teachers, including career tech professionals, with the assistance of an outside facilitator and a final recommendation being made to the State Superintendent no later than early April 2017 so that the State Superintendent presents a recommendation to the Board no later than the April 2017 State Board meeting.

The State Superintendent submitted the list of the work group members and the State Board of Education has reviewed the list.

NOW, THEREFORE, BE IT RESOLVED, that the State Board of Education hereby approve the list of members named in the form presented, with the understanding that the remaining members being presented to the State Board of Education for approval at the February Board meeting.

It was Moved by Ms. Bruns and Seconded by Ms. McGervey that the above recommendation (Item 18) be approved.

President Elshoff called for a roll call vote.

YES VOTES
- Pat Bruns
- Tess Elshoff
- Linda Haycock
- Meryl Johnson
- Martha Manchester
- Charlotte McGuire
- Nick Owens
- Rebecca Vazquez-Skillings

- Stephanie Dodd
- Thomas Gunlock
- Nancy Hollister
- C. Todd Jones
- Kathleen McGervey
- Antoinette Miranda
- Eric Poklar
- Lisa Woods

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NO VOTES
   Cathye Flory

ABSTAIN
   Sarah Fowler

Motion carried.

PUBLIC PARTICIPATION ON NONACTION ITEMS
There was no Public Participation on Nonaction Items.

Non-Resolutions
New Business

Mrs. Flory requested the Board receive a presentation on the Start Talking! Initiative.

Ms. Fowler Moved to adjourn the meeting. Mrs. McGuire Seconded the motion.

The President requested a voice vote.

Motion carried.

President Elshoff adjourned the meeting at 4:15 p.m. The next regularly scheduled meeting of the State Board of Education is February 13-14, 2017.

ATTEST:

Tess Elshoff
President
State Board of Education

Paolo DeMaria
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.