

**STATE BOARD OF EDUCATION OF OHIO
MINUTES**

July 2019

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

MEMBERS OF THE STATE BOARD OF EDUCATION

Cindy Collins
Stephanie Dodd
John Hagan
Kirsten Hill
Jenny Kilgore
Mark Lamoncha
Charlotte McGuire
Nick Owens
Mike Toal
Lisa Woods

Stephen Dackin
Sarah Fowler
Linda Haycock
Meryl Johnson
Laura Kohler
Martha Manchester
Antoinette Miranda
Eric Poklar
Reginald Wilkinson

EX OFFICIO MEMBERS

Senator Peggy Lehner

Representative Louis W. Blessing III

SECRETARY

Paolo DeMaria
Superintendent of Public Instruction

Mrs. Collins was absent from the meeting.

The State Board convened on Monday, July 8, at the Ohio Department of Education in Columbus.

Chapter 119 Hearing

July 8, 2019
8:30 a.m.

Hearing Regarding the Amending, Rescinding and Adoption of Rules

President Kohler stated the Board would proceed with the public hearing on the following rule actions: The adoption of 3301-24-28 Interim license

President Kohler called on Amy Golian, from the Office of the Attorney General, Chief, Education section. Ms. Golian called on Immy Singh, Chief Legal Counsel for the Ohio Department of Education.

Ms. Singh presented the following Board Exhibits:

- Board Exhibit 1 is the public notice that appears in the Register of Ohio and references the proposed rule action subject to this hearing;
- Board Exhibit 2 would be a true and accurate copy of the resolution adopted by the State Board of Education regarding this rule,
- Board Exhibit 3 would be a true and accurate copy of the rule as filed with the Joint Committee on Agency Rule Review (JCARR), Legislative Service Commission (LSC) and the Secretary of State.

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

President Kohler 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 4.

President Kohler 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 Kohler called on Ms. Golian, who submitted into evidence State Board Exhibits 1 through 3.

President Kohler stated that the exhibits were so received. As there was no more testimony, she declared the public hearing closed at 8:36 a.m.

STATE BOARD BUSINESS MEETING

President Kohler convened the Business meeting of the State Board of Education on Monday, July 8, at 8:36 a.m.

President Kohler asked the Recording Secretary to call the roll.

YES VOTES

Stephen Dackin
Sarah Fowler
Linda Haycock
Meryl Johnson
Laura Kohler
Martha Manchester
Antoinette Miranda

Stephanie Dodd
John Hagan
Kirsten Hill
Jenny Kilgore
Mark Lamoncha
Charlotte McGuire
Nick Owens

Eric Poklar
Reginald Wilkinson

Mike Toal
Lisa Woods

Motion carried.

NEW MEMBER SWEARING IN

Newly appointed Board members Dr. Reginald Wilkinson and Stephen Dackin were sworn in to the State Board of Education by Judge Edmond Sargus.

EXECUTIVE SESSION

President Kohler called on Vice President McGuire, 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.

Dr. Kilgore Seconded the motion.

The President called for a roll call vote.

YES VOTES

Stephen Dackin
Sarah Fowler
Linda Haycock
Meryl Johnson
Laura Kohler
Martha Manchester
Antoinette Miranda
Eric Poklar
Reginald Wilkinson

Stephanie Dodd
John Hagan
Kirsten Hill
Jenny Kilgore
Mark Lamoncha
Charlotte McGuire
Nick Owens
Mike Toal
Lisa Woods

Motion carried.

The Board went into Executive Session at 8:36 a.m.

The Board recessed from Executive Session at 10:10 a.m.

Following the recess of the State Board Business meeting, the Board held a Quasi-Judicial discussion, including those functions outlined in the State Board of Education's Policies and Procedures Manual.

Following Executive Session, The Board's Teaching, Leading and Learning and Continuous Improvement Committees met beginning at 10:15 a.m.

The State Board recessed for lunch.

RECONVENE STATE BOARD BUSINESS MEETING

President Kohler reconvened the Business meeting of the State Board of Education on Monday, July 8, at 1:00 p.m.

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

Review of Written Reports and Items for Vote

REPORT OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION

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

- Success Bound
- Budget Discussion
- 2019-2020 Goals Draft Discussion

Success Bound:

What is SuccessBound?

The **SuccessBound** brand represents:

- Connecting education to careers
- Engaging and inspiring students about their post-high school pathways and what it will take to follow them
- Creating and leveraging strong business and education partnerships

New Skills for Youth Grant:

- \$2 million grant from JP Morgan Chase awarded in 2016
- Ohio one of 10 state recipients
- 2016 needs assessment survey

Focused on five priority areas:

Focus on Employer Engagement:

- Strengthen K-12/business partnerships
- Establish industry sector advisory committees
- Re-vitalize local Business Advisory Councils
- Host, attend and promote In-Demand Jobs Week

Pathway Quality and Availability:

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- Identify high-quality, in-demand pathways
- Increase access to and participation in high-quality, in-demand pathways

Expand Career-Focused Experiences:

- Guidance for integrating technical and academic content for simultaneous credit
- Scale in-demand, career-focused College Credit Plus pathways
- OhioMeansJobs Readiness Seal
- OhioMeansJobs K-12

Accountability:

- Refinement of college and career readiness indicators
- Career-readiness dashboard

K-12/Higher Ed Collaboration:

- More students graduating with an industry-recognized credential
- More career-tech programs that yield college credit (articulated)
- High school/college alignment of career-focused pathways

Newly updated tools and resources can be found on the SuccessBound.Ohio.Gov website, which houses a partnership map, workforce and demographic data tools, as well as outlines a process for districts and their communities to consider as they work on our one goal of transitioning students, within one year of graduation, to the workforce, to further education and training, to the military, or to a self-sustaining vocation.

Budget Update:

Interim Budget: (S.B. 171)

- Establishes FY20 appropriation levels at approximately 4.5% of FY19 appropriation levels through July 17th.
- Additional appropriation is provided to ensure school foundation payments can continue as planned.
- Allows the OBM Director to establish appropriation for other mission-critical activities.

Budget Highlights – Senate Version:

- Retains Governor’s proposed Student Wellness and Success Funding.
- Removes additional \$25 million in Student Wellness and Success Funding in FY20 and \$100 million in FY21 added by the House to target rural school districts.

Program Increases:

- EdChoice Expansion
- Funding for Nonpublic Schools
- College Credit Plus-Homeschool
- 22+ Program
- Funding for Growing School Districts
- Community School Facilities Funding

Legislative Earmarks: Various miscellaneous additions.

Program Reductions:

- Innovative Shared Services Grant
- Quality Community Schools

Department of Education Operations: No changes

Budget Language Items to Note – Senate:

- Graduation Requirements
- Academic Distress Commissions
- Report Cards
- End-of-Course Assessments
- EdChoice
- Licensure
- Joint Education Oversight Committee

Legislative Engagement Principles:

- Established Board Position
- Board Conversation and Consensus
- Education Community Stance
- Operational Implementation
- Consistent and equal policy treatment

President Kohler recessed the Board meeting at 3:15 p.m.

President Kohler reconvened the meeting of the State Board of Education on Tuesday, July 9, at 8:30 a.m.

The Board's Integrated Student Supports and Assessment & Accountability Committees met beginning at 8:30 a.m.

RECONVENE STATE BOARD BUSINESS MEETING

President Kohler reconvened the Business meeting of the State Board of Education on Tuesday, July 9, at 10:45 a.m.

President Kohler asked the Recording Secretary to call the roll.

MEMBERS PRESENT

Stephen Dackin	Stephanie Dodd
Sarah Fowler	John Hagan
Linda Haycock	Kirsten Hill
Meryl Johnson	Jenny Kilgore
Laura Kohler	Mark Lamoncha
Martha Manchester	Charlotte McGuire
Antoinette Miranda	Nick Owens

Mike Toal
Lisa Woods

Reginald Wilkinson

President Kohler called for the approval of the Minutes of the June 2019 meeting. She asked if there were any corrections to the Minutes.

There were no corrections. Ms. Fowler stated Mr. Alsop would be adding a summary of her social studies proposed amendments to Item 20, Resolution to Adopt the Model Curriculum for Social Studies.

It was Moved by Mrs. Hill and Seconded by Ms. Fowler that the Minutes be approved as presented. The President called for a voice vote.

Motion carried unanimously.

LEGISLATIVE REPORT

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

- Board member questions and feedback

BOARD PRESENTATIONS AND DISCUSSION FROM THE TEACHING, LEADING AND LEARNING COMMITTEE

Chair: Sarah Fowler, Vice Chair: Nick Owens

Ms. Fowler gave a report from the Teaching, Leading and Learning Committee meeting focusing on the following issues:

Members Present: Fowler (Chair), Owens (Vice-Chair) Dackin, Haycock, Hill, Johnson, Manchester, Wilkinson

Licensure Code of Professional Conduct for Ohio Educators (*Strategy 7*)

- Committee staff provided members with a brief overview of the Licensure Code of Professional Conduct for Ohio Educators (LCPCOE) and the work that has taken place with the Public and the Educator Standards Board since 2018 to refine the LCPCOE.
- A revised version of the LCPCOE was presented to the committee this month's which includes revisions recommended by committee members during and since its June 2019 meeting.
- Following discussion, members voted unanimously to recommend adoption of the revised Code of Conduct to the State Board. The revised Code of Conduct will appear on the State Board's September 2019 voting agenda.

Ohio Administrative Code (OAC) 3301-16-08 State Seal of Biliteracy (*Strategies 4 & 10*)

- Department staff provided a brief overview of a proposed revision to OAC 3301-16-08 State Seal of Biliteracy. The revisions proposed by the Department provide clarity to the field.

- Committee members discussed information included in the Department's presentation that was requested in June. This information included demographic information about the districts currently offering the State Seal of Biliteracy as well as Seal of Biliteracy awardees.
- Department staff will be gathering additional data for the Committee, per Member request, to include additional districts who will be participating in the State Seal of Biliteracy in the 2019-2020 school year and early return 2018-2019 data that may be available. In addition, consideration will be given to supports that ODE can provide to districts in order to increase participation in future years.
- Following discussion, the committee voted unanimously to recommend adoption of the revised rule to the State Board. The revised rule will appear on the State Board's September 2019 voting agenda.

Timeline Update: Financial Literacy Model Curriculum (*Strategies 4 & 10*)

- Department staff provided committee members with a proposed revised timeline for the State Board's adoption of the Financial Literacy Model Curriculum. Department staff noted that they will be requesting comments on the most recent draft from the State Board this month (July).
- Committee members discussed with Department staff ways to incorporate comments received to date into the draft to be shared.
- Discussion of the revised draft Financial Literacy Model Curriculum will be on the Committee's agenda this Fall.

Third Grade Reading Guarantee: Riverside Local Schools Statutory Questions and Discussion (*Strategies 1-3, 5, 7-9*)

- Staff from Riverside Elementary School (DeGraff, OH) shared their perspective and story of success improving English Language Arts proficiency and Third Grade Reading promotion rates with committee members.
- Following a brief presentation from Department staff, committee members discussed a proposed resolution to recommend revisions to current statute relating to the Third Grade Reading Guarantee.
- Following discussion, the committee voted unanimously in favor of recommending a resolution to the State Board for adoption that would request that the legislature consider revising Ohio Revised Code sections relating to the Third Grade Reading guarantee that would:
 1. Extend the Reading Improvement and Monitoring Plan requirements to grades 4 and 5.
 2. Extend the intervention requirement for all students promoted under an exemption from retention through grade 5.
 3. Permit districts to make local decisions pertaining to exempting students who are English learners from retention should be a local determination based on the student's English language proficiency in grade 3 rather than the number of years enrolled in a school systems or years of instruction. This aligns with research that states it takes 5 to 7 years for a learner to become proficient in a second language.
- The proposed resolution outlined above will appear on the State Board's September 2019 voting agenda.

BOARD PRESENTATIONS AND DISCUSSION FROM THE CONTINUOUS IMPROVEMENT COMMITTEE

Chair: Antoinette Miranda, Vice Chair: Mike Toal

Dr. Miranda gave a report from the Continuous Improvement Committee meeting focusing on the following issues:

Members Present: Antoinette Miranda (Chair), Mike Toal (Vice Chair), Stephanie Dodd (member), John Hagan (member), Mark Lamoncha (member), Lisa Woods and Jenny Kilgore.

Purpose(s) and/or Goal(s) of Meeting:

- Discuss and review the amendment process for OAC 3301-35 Operating Standards for Kindergarten through Twelfth Grade.
- Discuss and review the Center for Continuous Improvement Focus Areas for 2019-2020

Overview of Operating Standards – OAC 3301-35-07 – 10 Steps And Process:

- Members reviewed and discussed the timeline for the review process for the revision of the Operating Standards which are being amended pursuant the five-year rule review.
- Department staff provided a high-level overview of the current requirements under the following rules: OAC 3301-35-07 Data-driven improvement, OAC 3301-35-08 Non-chartered, non-tax supported school, OAC 3301-35-09 Chartered nonpublic schools and OAC 3301-35-10 Procedures for beginning a new school and for changing location or ownership of a school.
- Department staff discussed the adjusted timeline for the rules due to the public comment period.

Center for Continuous Improvement: Focus Areas 2019-2020:

- Department staff discussed the Center for Continuous Improvement focus areas for the 2019-2020.
- Department staff provided the following five main strategies which will be used in the upcoming school year to support districts and students: 1. Strengthen and leverage partnerships for improvements, 2. Rural improvement grant initiatives, 3. Continue to manage the design and build of Education Department's System of Tier E-Plans and Supports (ED STEPS), 4. Utilize data to gauge effectiveness of school improvement work and 5. Complete the analysis of the customer survey and use results to support improvements.
- Members reviewed and discussed the center's approach to continuously support districts and how the center's initiatives align with the Ohio Strategic Plan for Education.

Items Voted on and Outcome of Vote:

No items were voted on during this month's meeting.

Will there be a vote or information in front of the full Board at next or upcoming meeting?

Yes, the full board is expected to vote on OAC 3301-35-02 – 07 during the December 2019 State Board meeting and OAC 3301-35-01, 08 and 09 during the January 2020 State Board meeting.

BOARD PRESENTATIONS AND DISCUSSION FROM THE INTEGRATED STUDENT SUPPORTS COMMITTEE

Chair: Charlotte McGuire, Vice Chair: Martha Manchester

Mrs. McGuire gave a report from the Integrated Student Supports Committee meeting focusing on the following issues:

Members Present: Charlotte McGuire, Committee Chair, Martha Manchester, Committee Vice Chair, Kirsten Hill, Meryl Johnson, Mark Lamoncha, Reggie Wilkinson, Antoinette Miranda, Nick Owens, Sarah Fowler and Laura Kohler, President.

Positive Behavioral Interventions and Supports:

- Staff presented information on Positive Behavioral Interventions and Supports (PBIS). The presentation included a basic overview of the key elements of PBIS, the history of PBIS at the federal and state level and the work underway to increase state capacity of PBIS trainers. Staff also shared the outcomes data for award winning districts and the makeup of the district or school's PBIS teams.
- The committee members requested that PBIS continue to be a topic for the committee agendas and additional data on PBIS needs and impact and training on PBIS.
- The agenda item was discussion only, therefore, there was no action by the committee and the items if not scheduled for full board.

Vulnerable Youth – Foster Care:

- Staff presented information on foster care including the supports and initiatives of the department to support children in foster care. Staff discussed the growing population of students in foster care, their needs and the importance of school stability for students in foster care. This is the first topic in a planned series of presentations on vulnerable student populations.
- The agenda item was discussion only, therefore, there was no action by the committee and the item is not scheduled for full board.

Plan to Improve Learning Experiences and Outcomes for Students with Disabilities:

- Staff presented updates on the Plan to Improve Learning Experiences and Outcomes for Students with Disabilities.
- The agenda item was discussion only, therefore, there was no action by the committee and the item is not scheduled for full board.

Updates on Strategic Plan Strategies (*Strategies 7 and 8*):

- Committee members received updates on activities occurring with Strategic Plan Strategy 7 Meet the Needs of the Whole Child and Strategy 8 Expand Quality Early Learning.
- The agenda item was discussion only, therefore, there was no action by the committee and the item is not scheduled for full board.

BOARD PRESENTATIONS AND DISCUSSION FROM THE ASSESSMENTS & ACCOUNTABILITY COMMITTEE

Chair: John Hagan, Vice Chair: Lisa Woods

Mr. Hagan gave a report from the Assessments & Accountability Committee meeting focusing on the following issues:

Members Present: John Hagan (Chair), Lisa Woods (Vice Chair), Linda Haycock, Jenny Kilgore, Mike Toal, Stephen Dackin

Dropout Recovery Workgroup Update:

- Chair Hagan provided a brief update regarding the Dropout Prevention and Recovery Schools Workgroup meeting held on June 24.
- The next meeting is scheduled for July 15, 2019 from 10:00 – 3:00 at ODE.

Report Card Rule Review:

- Staff provided background on the report rule review process. Discussion began with review of the Performance Indicators/Indicators Met (Ohio Administrative Code 3301-28-04).

- The committee had significant conversation around the historical performance data and creation of this report card measure, assessment transitions, and next steps for decision making on this rule and other report card rules.
- The committee had significant conversation around the standard setting process for Ohio's State Tests and will continue the conversation in September with additional information provided by the Department.

Status of Rule 3301-13-09 – Assessment Waiver (Adult Diploma Programs):

- This rule will return to committee for discussion in September. The Department requested additional time to review and address the public comments received on the proposed rule and will return in September for further discussion. All public comments were sent to the committee members in advance of the meeting.

The State Board recessed for lunch.

PUBLIC PARTICIPATION ON VOTING AGENDA ITEMS

There was no Public Participation on Voting Agenda items.

VOTING ON THE REPORT & RECOMMENDATIONS OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION

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

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

- 1. RESOLUTION TO ACCEPT THE PERMANENT VOLUNTARY SURRENDER AND DENIAL OF LICENSES FORM SIGNED BY CHRISTOPHER A. PAYTON AND TO ENTER AN ORDER TO REVOKE PERMANENTLY ALL OF HIS CURRENT AND PREVIOUSLY HELD LICENSES, PERMITS, AND CERTIFICATES AND TO DENY PERMANENTLY ANY OF HIS PENDING APPLICATIONS FOR A LICENSE, PERMIT, OR CERTIFICATE**

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

WHEREAS Christopher A. Payton has applied for and/or has been issued a license, permit, or certificate by the Ohio Department of Education; and

WHEREAS on May 28, 2019, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Christopher A. Payton that authorizes the State Board of Education to enter an order permanently revoking all of his current and previously held licenses, permits, and certificates and permanently denying any pending applications that he has

submitted for a license, permit, or certificate based upon Mr. Payton's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

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

WHEREAS Christopher A. Payton has expressly and forever waived all rights as set forth in Chapter 119 of the Ohio Revised Code, including but not limited to, his right to a hearing and his right to appeal the Resolution of the State Board of Education: 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** Christopher A. Payton's current and any previously held licenses, permits, and certificates and **DENIES** any pending applications that he has submitted for a license, permit, or certificate based upon Mr. Payton'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) and (A)(3)(b), orders Christopher A. Payton be permanently ineligible to apply for any license, permit, or certificate 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. Payton of this action.

2. **RESOLUTION TO ACCEPT THE PERMANENT VOLUNTARY SURRENDER AND DENIAL OF LICENSES FORM SIGNED BY JACLYN C. SCOTT AND TO ENTER AN ORDER TO REVOKE PERMANENTLY ALL OF HER CURRENT AND PREVIOUSLY HELD LICENSES, PERMITS, AND CERTIFICATES AND TO DENY PERMANENTLY ANY OF HER PENDING APPLICATIONS FOR A LICENSE, PERMIT, OR CERTIFICATE**

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

WHEREAS Jaclyn C. Scott has applied for and/or has been issued a license, permit, or certificate by the Ohio Department of Education; and

WHEREAS on May 20, 2019, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Jaclyn C. Scott that authorizes the State Board of Education to enter an order permanently revoking all of her current and previously held licenses, permits, and certificates and permanently denying any pending applications that she has submitted for a license, permit, or certificate based upon Ms. Scott's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

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

WHEREAS Jaclyn C. Scott has expressly and forever waived all rights as set forth in Chapter 119 of the Ohio Revised Code, including but not limited to, her right to a hearing and her right to appeal the Resolution of the State Board of Education: 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** Jaclyn C. Scott's current and any previously held licenses, permits, and certificates and **DENIES** any pending applications that she has submitted for a license, permit, or certificate based upon Ms. Scott'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) and (A)(3)(b), orders Jaclyn C. Scott be permanently ineligible to apply for any license, permit, or certificate 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. Scott of this action.

3. **RESOLUTION TO ACCEPT THE PERMANENT VOLUNTARY SURRENDER AND DENIAL OF LICENSES FORM SIGNED BY KENNETH M. SMITH, JR. AND TO ENTER AN ORDER TO REVOKE PERMANENTLY ALL OF HIS CURRENT AND PREVIOUSLY HELD LICENSES, PERMITS, AND CERTIFICATES AND TO DENY PERMANENTLY ANY OF HIS PENDING APPLICATIONS FOR A LICENSE, PERMIT, OR CERTIFICATE**

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

WHEREAS Kenneth M. Smith, Jr. has applied for and/or has been issued a license, permit, or certificate by the Ohio Department of Education; and

WHEREAS on May 29, 2019, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Kenneth M. Smith, Jr. that authorizes the State Board of Education to enter an order permanently revoking all of his current and previously held licenses, permits, and certificates and permanently denying any pending applications that he has submitted for a license, permit, or certificate based upon Mr. Smith's 2017 conviction in the Montgomery County Common Pleas Court for one felony count of tampering with evidence; and

WHEREAS the form specifies that Kenneth M. Smith, Jr. is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

WHEREAS Kenneth M. Smith, Jr. has expressly and forever waived all rights as set forth in Chapter 119 of the Ohio Revised Code, including but not limited to, his right to a hearing and his right to appeal the Resolution of the State Board of Education: 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** Kenneth

M. Smith, Jr.'s current and any previously held licenses, permits, and certificates and **DENIES** any pending applications that he has submitted for a license, permit, or certificate based upon Mr. Smith's 2017 conviction in the Montgomery County Common Pleas Court for one felony count of tampering with evidence. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b) and (A)(3)(b), orders Kenneth M. Smith, Jr. be permanently ineligible to apply for any license, permit, or certificate 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. Smith of this action.

4. **RESOLUTION TO ACCEPT THE PERMANENT VOLUNTARY SURRENDER AND DENIAL OF LICENSES FORM SIGNED BY CHRISTOPHER J. WOS AND TO ENTER AN ORDER TO REVOKE PERMANENTLY ALL OF HIS CURRENT AND PREVIOUSLY HELD LICENSES, PERMITS, AND CERTIFICATES AND TO DENY PERMANENTLY ANY OF HIS PENDING APPLICATIONS FOR A LICENSE, PERMIT, OR CERTIFICATE**

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

WHEREAS Christopher J. Wos has applied for and/or has been issued a license, permit, or certificate by the Ohio Department of Education; and

WHEREAS on June 21, 2019, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Christopher J. Wos that authorizes the State Board of Education to enter an order permanently revoking all of his current and previously held licenses, permits, and certificates and permanently denying any pending applications that he has submitted for a license, permit, or certificate based upon Mr. Wos' decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.31; and

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

WHEREAS Christopher J. Wos has expressly and forever waived all rights as set forth in Chapter 119 of the Ohio Revised Code, including but not limited to, his right to a hearing and his right to appeal the Resolution of the State Board of Education: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code and Ohio Revised Code 3319.311(F), hereby **REVOKES** Christopher J. Wos's current and any previously held licenses, permits, and certificates and **DENIES** any pending applications that he has submitted for a license, permit, or certificate based upon Mr. Wos' decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.31. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b) and (A)(3)(b), orders Christopher J. Wos be permanently ineligible to apply for any license, permit, or certificate 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. Wos of this action.

5. **RESOLUTION TO ACCEPT THE PERMANENT VOLUNTARY SURRENDER AND DENIAL OF LICENSES FORM SIGNED BY LARRY E. YOWLER, JR. AND TO ENTER AN ORDER TO REVOKE PERMANENTLY ALL OF HIS CURRENT AND PREVIOUSLY HELD LICENSES, PERMITS, AND CERTIFICATES AND TO DENY PERMANENTLY ANY OF HIS PENDING APPLICATIONS FOR A LICENSE, PERMIT, OR CERTIFICATE**

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

WHEREAS Larry E. Yowler, Jr. has applied for and/or has been issued a license, permit, or certificate by the Ohio Department of Education; and

WHEREAS on May 30, 2019, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Larry E. Yowler, Jr. that authorizes the State Board of Education to enter an order permanently revoking all of his current and previously held licenses, permits, and certificates and permanently denying any pending applications that he has submitted for a license, permit, or certificate based upon Mr. Yowler's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

WHEREAS the form specifies that Larry E. Yowler, Jr. is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

WHEREAS Larry E. Yowler, Jr. has expressly and forever waived all rights as set forth in Chapter 119 of the Ohio Revised Code, including but not limited to, his right to a hearing and his right to appeal the Resolution of the State Board of Education: 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** Larry E. Yowler, Jr.'s current and any previously held licenses, permits, and certificates and **DENIES** any pending applications that he has submitted for a license, permit, or certificate based upon Mr. Yowler'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) and (A)(3)(b), orders Larry E. Yowler, Jr. be permanently ineligible to apply for any license, permit, or certificate 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. Yowler of this action.

It was Moved by Ms. Johnson and Seconded by Ms. Fowler that the Consent Agenda (Items 1-5) be approved.

President Kohler called for a roll call vote.

YES VOTES

Stephen Dackin
Sarah Fowler
Linda Haycock
Meryl Johnson
Laura Kohler
Martha Manchester
Antoinette Miranda
Eric Poklar
Reginald Wilkinson

Stephanie Dodd
John Hagan
Kirsten Hill
Jenny Kilgore
Mark Lamoncha
Charlotte McGuire
Nick Owens
Mike Toal
Lisa Woods

Motion carried.

Dr. Miranda presented the following recommendation (Item 6):

6. RESOLUTION TO ADOPT CHANGES TO OHIO ADMINISTRATIVE RULES 3301-83-07 SCHOOL TRANSPORTATION DRIVER PHYSICAL QUALIFICATIONS RULE; 3301-83-08 PUPIL TRANSPORTATION MANAGEMENT POLICIES; AND 3301-83-13 SCHOOL BUS ROUTES AND STOPS

The State Board of Education hereby **ADOPTS** the following Preambles and Resolutions:

Ohio Revised Code (ORC) Section 4511.76(B) mandated the Department of Education, by and with the advice of the director of the Department of Public Safety, to adopt and enforce rules relating to the operation of all vehicles used for pupil transportation;

The State Board of Education adopted Ohio Administrative Code (OAC) Chapter 3301-83 as a result, and several rules from the chapter are being reviewed as part of the five-year rule review;

OAC 3301-83-07, 3301-83-08, and 3301-83-13 are being amended to clarify current requirements, update requirements to align with recently amended statutes, and add requirements for school districts to adopt policies and procedures; and

The Continuous Improvement Committee recommended in its June 10, 2019 meeting that the State Board adopt the rules in the form presented to the State Board.

NOW, THEREFORE, BE IT RESOLVED, that the State Board approves changes to 3301-83-07, 3301-83-08, and 3301-83-13 in the form presented to the State Board;

FURTHER RESOLVED, that the Superintendent of Public Instruction or his designee be, and 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 rules; and

FURTHER RESOLVED, that the Superintendent of Public Instruction be, and 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 relates.

It was Moved by Dr. Miranda that the above recommendation (Item 6) be approved.

Mrs. McGuire stated she had concerns with 3301-83-08, (D) Suspension, expulsion or immediate removal from bus; (2) Immediate removal of a pupil from transportation is authorized. A pupil immediately removed from transportation must be given notice as soon as practicable of a hearing which must be held within seventy-two hours of the removal. The notice shall also include the reason for removal. Immediate removal is authorized when the pupil's presence poses a danger to persons or property or a threat to the safe operation of the school bus. Length of time removed from ridership shall be in accordance with policies of the school bus owner. She stated this does not include the parent would be notified for that immediate removal, as well as an appearance or right to an appearance before the district superintendent or lead personnel, which would include the principal.

Ms. Fowler requested legal counsel be consulted on the Board's authority to include parent in the rule.

Mrs. McGuire Moved to strike 3301-83-08 from the resolution. Ms. Fowler Seconded the motion. President McGuire asked if there were any objections to removing 3301-83-08 from the resolution. There were no objections noted.

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

YES VOTES

Stephen Dackin	Stephanie Dodd
Sarah Fowler	John Hagan
Linda Haycock	Kirsten Hill
Meryl Johnson	Jenny Kilgore
Laura Kohler	Mark Lamoncha
Martha Manchester	Charlotte McGuire
Antoinette Miranda	Nick Owens
Eric Poklar	Mike Toal
Reginald Wilkinson	Lisa Woods

Motion carried.

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

7. **RESOLUTION TO REVOKE PERMANENTLY THE FOUR-YEAR ALTERNATIVE RESIDENT EDUCATOR TEACHING LICENSE OF KEVIN A. GOWSELL**

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

WHEREAS Kevin A. Gowsell held a four-year alternative resident educator teaching license issued in 2014; and

WHEREAS on April 18, 2019, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Kevin A. Gowsell of its intent to determine whether to limit, suspend, revoke, or permanently revoke his four-year alternative resident educator teaching license issued in 2014 pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(a), and (F). The notice was based upon Mr. Gowsell's 2018 conviction in the Eau Claire County Circuit Court, Wisconsin for one felony count of attempted child enticement; and

WHEREAS the notice informed Mr. Gowsell that if he fails within thirty days to request a hearing in accordance with Section 119.07 of the Revised Code, the State Board of Education will proceed to determine whether to limit, suspend, revoke, or permanently revoke his four-year alternative resident educator teaching license issued in 2014; and

WHEREAS Kevin A. Gowsell 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 Eau Claire County Circuit Court, Wisconsin, and certified police records from the Altoona 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), (B)(2)(a), and (F), hereby **REVOKES** Kevin A. Gowsell's four-year alternative resident educator teaching license issued in 2014 based upon Mr. Gowsell's 2018 conviction in the Eau Claire County Circuit Court, Wisconsin for one felony count of attempted child enticement. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders that Kevin A. Gowsell be permanently ineligible to apply for any license, permit, or certificate 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. Gowsell of this action.

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

President Kohler called for a roll call vote.

YES VOTES

Stephen Dackin	Stephanie Dodd
Sarah Fowler	John Hagan
Linda Haycock	Kirsten Hill
Meryl Johnson	Jenny Kilgore
Laura Kohler	Mark Lamoncha
Martha Manchester	Charlotte McGuire
Antoinette Miranda	Nick Owens
Eric Poklar	Mike Toal
Reginald Wilkinson	Lisa Woods

Motion carried.

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

8. RESOLUTION TO DENY PERMANENTLY THE THREE-YEAR PUPIL ACTIVITY PERMIT APPLICATION OF JEREMY L. GREENE

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

WHEREAS Jeremy L. Greene has applied for a three-year pupil activity permit; and

WHEREAS on April 3, 2019, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Jeremy L. Greene 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) and (B)(2)(d). The notice was based upon Mr. Greene's 2018 conviction in the Portsmouth Municipal Court for one misdemeanor count of physical control, 2009 conviction in the Portsmouth Municipal Court for one misdemeanor count of drug abuse, 2009 conviction in the Portsmouth Municipal Court for one misdemeanor count of operating a motor vehicle under the influence, 2007 conviction in the Portsmouth Municipal Court for one misdemeanor count of disturbing the peace, 2007 conviction in the Portsmouth Municipal Court for one misdemeanor count of operating a motor vehicle under the influence, 2007 conviction in the Portsmouth Municipal Court, in a separate case, for one

misdemeanor count of disturbing the peace, 2001 conviction in the Portsmouth Municipal Court for one misdemeanor count of consuming or possessing alcohol

under the age of twenty-one, and failure to fully disclose his criminal convictions on his pending application that he submitted to the Ohio Department of Education; and

WHEREAS the notice informed Mr. Greene 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 Jeremy L. Greene 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 Portsmouth Municipal Court; and

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

WHEREAS 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)(d), hereby **DENIES** Jeremy L. Greene's application for a three-year pupil activity permit based upon Mr. Greene's 2018 conviction in the Portsmouth Municipal Court for one misdemeanor count of physical control, 2009 conviction in the Portsmouth Municipal Court for one misdemeanor count of drug abuse, 2009 conviction in the Portsmouth Municipal Court for one misdemeanor count of operating a motor vehicle under the influence, 2007 conviction in the Portsmouth Municipal Court for one misdemeanor count of disturbing the peace, 2007 conviction in the Portsmouth Municipal Court for one misdemeanor count of operating a motor vehicle under the influence, 2007 conviction in the Portsmouth Municipal Court, in a separate case, for one misdemeanor count of disturbing the peace, 2001 conviction in the Portsmouth Municipal Court for one misdemeanor count of consuming or possessing alcohol under the age of twenty-one, and failure to fully disclose his criminal convictions on his application that he submitted 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 that Jeremy L. Greene be permanently ineligible to apply for any license, permit, or certificate 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. Greene of this action.

It was Moved by Ms. Johnson and Seconded by Mrs. Hill that the above recommendation (Item 8) be approved.

President Kohler called for a roll call vote.

YES VOTES

Stephen Dackin
Sarah Fowler
Linda Haycock
Meryl Johnson
Laura Kohler
Martha Manchester
Antoinette Miranda
Mike Toal
Lisa Woods

Stephanie Dodd
John Hagan
Kirsten Hill
Jenny Kilgore
Mark Lamoncha
Charlotte McGuire
Eric Poklar
Reginald Wilkinson

ABSTAIN

Nick Owens

Motion carried.

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

9. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE PERMANENTLY THE ONE-YEAR EDUCATIONAL AIDE PERMIT OF FRANZERRAL J. GRINAGE

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

WHEREAS Franzerral J. Grinage held a one-year educational aide permit issued in 2015; and

WHEREAS on July 31, 2018, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Franzerral J. Grinage of its intent to determine whether to limit, suspend, revoke, or permanently revoke his one-year educational aide permit issued in 2015 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Grinage engaging in conduct that is unbecoming to the teaching profession on or about December 7, 2015 when he became involved in an inappropriate physical interaction with a student that began in a hallway, proceeded to an elevator, and concluded in the principal's office and during this interaction, Mr. Grinage pulled the student while holding onto the student's wrist and/or arm, grabbed the student from behind around the waist, and picked the student up off the

floor. The notice was also based upon Mr. Grinage's 2018 conviction in the Franklin County Court of Common Pleas for one misdemeanor count of attempted improper handling of a firearm in a motor vehicle and 2013 conviction in the Franklin County Municipal Court for one misdemeanor count of attempted falsification; and

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

WHEREAS a hearing was held on February 12, 2019; and

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

WHEREAS the hearing officer recommends that Mr. Grinage's permit be revoked and that he be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education. The hearing officer's recommendation is based upon Mr. Grinage engaging in conduct unbecoming to the teaching profession as demonstrated by his pattern of misconduct and/or criminal activity that included physical abuse of a student, a firearms conviction, and an attempted falsification conviction that involved an effort to deceive a governmental agency; 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** Franzerral J. Grinage's one-year educational aide permit issued in 2015 based upon Mr. Grinage engaging in conduct that is unbecoming to the teaching profession on or about December 7, 2015 when he became involved in an inappropriate physical interaction with a student that began in a hallway, proceeded to an elevator, and concluded in the principal's office and during this interaction, Mr. Grinage pulled the student while holding onto the student's wrist and/or arm, grabbed the student from behind around the waist, and picked the student up off the floor. The revocation is also based upon Mr. Grinage's 2018 conviction in the Franklin County Court of Common Pleas for one misdemeanor count of attempted improper handling of a firearm in a motor vehicle and 2013 conviction in the Franklin County Municipal Court for one misdemeanor count of attempted falsification. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Franzerral J. Grinage be permanently ineligible to apply for any license, permit, or certificate 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. Grinage of this action.

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

President Kohler called for a roll call vote.

YES VOTES

Stephen Dackin
Sarah Fowler
Linda Haycock
Meryl Johnson
Laura Kohler
Martha Manchester
Antoinette Miranda
Eric Poklar
Reginald Wilkinson

Stephanie Dodd
John Hagan
Kirsten Hill
Jenny Kilgore
Mark Lamoncha
Charlotte McGuire
Nick Owens
Mike Toal
Lisa Woods

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 AND TO REVOKE THE FOUR-YEAR RESIDENT EDUCATOR ADOLESCENCE TO YOUNG ADULT TEACHING LICENSE OF DAVID S. HENRY

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

WHEREAS David S. Henry holds a four-year resident educator adolescence to young adult teaching license issued in 2015; and

WHEREAS on October 17, 2018, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified David S. Henry of its intent to determine whether to limit, suspend, revoke, or permanently revoke his four-year resident educator adolescence to young adult teaching license issued in 2015 pursuant to Ohio Revised Code 3319.31(B)(1) and [redacted in accordance with Ohio law]. The notice was based upon [redacted in accordance with Ohio law]; and [sealed in accordance with the hearing officer's entry dated April 23, 2019]; and

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

WHEREAS a hearing was held on January 24, 2019; and

WHEREAS Mr. Henry was present at the hearing, and he was represented by counsel; and

WHEREAS the hearing officer recommends [sealed in accordance with the hearing officer's entry dated April 23, 2019]. It is further recommended [sealed in accordance with the hearing officer's entry dated April 23, 2019]. The hearing officer's recommendation is based [sealed in accordance with the hearing officer's entry dated April 23, 2019]; and

WHEREAS the State Board of Education considered the objections to the hearing officer's report and recommendation which Mr. Henry 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) and [redacted in accordance with Ohio law], hereby **REVOKES** David S. Henry's four-year resident educator adolescence to young adult teaching license issued in 2015 based upon [redacted in accordance with Ohio law]; and [sealed in accordance with the hearing officer's entry dated April 23, 2019]. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that David S. Henry be ineligible to reapply for any license, permit, or certificate issued by the State Board of Education until on or after October 9, 2020, and that prior to reapplication, Mr. Henry must have completed the following requirements: for a period of one year, Mr. Henry must submit to random drug/alcohol screenings and have no positive results and submit to the Ohio Department of Education monthly administrative reports regarding his participation in AA meetings and substance abuse treatments; [redacted in accordance with Ohio law]; Mr. Henry must provide written verification to the Ohio Department of Education that he has completed, at his own expense, a fitness to teach evaluation by a licensed psychologist or psychiatrist who is preapproved by the Ohio Department of Education and who determines that Mr. Henry is fit to continue as an educator; and [redacted in accordance with Ohio law]. It is further recommended that, following licensure, the Ohio Department of Education continue the random drug/alcohol testing, monitoring, and reporting for a period of one year; and, Be It Further

RESOLVED, That the State Board of Education directs the Ohio Department of Education, on its behalf, to implement the aforementioned terms and conditions regarding Mr. Henry's license. Further, if said terms and conditions have not been fulfilled completely upon Mr. Henry applying for a new license, permit, or certificate, the State Board of Education directs the Ohio Department of Education to evaluate any new application in accordance with its orders and ensure all outstanding terms and conditions are addressed; and, Be It Further

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

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

Mrs. Haycock Moved to amend the resolution by substitution. She proposed to permanently revoke Mr. Henry's license and prohibit him from reapplying for any license issued by the State Board of Education. She stated she found Mr. Henry's behavior unbecoming to a teacher and he does not meet her definition of a highly qualified teacher. Ms. Woods Seconded the motion.

RESOLUTION TO MODIFY THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER AND TO REVOKE PERMANENTLY THE

FOUR-YEAR RESIDENT EDUCATOR ADOLESCENCE TO YOUNG ADULT TEACHING LICENSE OF DAVID S. HENRY

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

WHEREAS David S. Henry holds a four-year resident educator adolescence to young adult teaching license issued in 2015; and

WHEREAS on October 17, 2018, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified David S. Henry of its intent to determine whether to limit, suspend, revoke, or permanently revoke his four-year resident educator adolescence to young adult teaching license issued in 2015 pursuant to Ohio Revised Code 3319.31(B)(1) and [redacted in accordance with Ohio law]. The notice was based upon [redacted in accordance with Ohio law]; and [sealed in accordance with the hearing officer's entry dated April 23, 2019]; and

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

WHEREAS a hearing was held on January 24, 2019; and

WHEREAS Mr. Henry was present at the hearing, and he was represented by counsel; and

WHEREAS the hearing officer recommends [sealed in accordance with the hearing officer's entry dated April 23, 2019]. It is further recommended [sealed in accordance with the hearing officer's entry dated April 23, 2019]. The hearing officer's recommendation is based upon [sealed in accordance with the hearing officer's entry dated April 23, 2019]; and

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

WHEREAS the State Board of Education rejects and/or modifies the following portions of the hearing officer's Report and Recommendation: [sealed in accordance with the hearing officer's entry dated April 23, 2019]; and

WHEREAS the State Board of Education adopts the remaining portions of the hearing officer's report and recommendation; and

WHEREAS the State Board may determine that a penalty outside the range of the disciplinary guidelines listed in the *Licensure Code of Professional Conduct for Ohio Educators* is more appropriate in an individual case based upon the aggravating and mitigating factors as outlined in Section 3301-73-21 of the Ohio Administrative Code and any other factors the State Board considers relevant; and

WHEREAS the State Board finds that the administrative record identifies the following aggravating factors: [*sealed in accordance with the hearing officer's entry dated April 23, 2019*]; and

WHEREAS the State Board recognizes there are mitigating factors present in this case, the State Board concludes that the hearing officer erred when he did not appreciate the seriousness of Mr. Henry's conduct, especially considering [*sealed in accordance with the hearing officer's entry dated April 23, 2019*]. Further, the State Board concludes that the hearing officer did not give the preceding facts and aggravating factors the weight they deserved when he made his recommendation; and

WHEREAS the State Board concludes that based on the seriousness of Mr. Henry's conduct and the other aggravating factors in this case a more appropriate sanction would be to permanently revoke Mr. Henry's license and prohibit him from reapplying for any license issued by the State Board of Education: Therefore, Be It

RESOLVED, that the State Board of Education rejects and/or modifies the following portions of the hearing officer's Report and Recommendation: [*sealed in accordance with the hearing officer's entry dated April 23, 2019*]; and, Be it Further

RESOLVED, that the State Board of Education adopts the remaining portions of the hearing officer's report and recommendation; and, Be it Further

RESOLVED, that the State Board finds that the administrative record identifies the following aggravating factors: [*sealed in accordance with the hearing officer's entry dated April 23, 2019*]; and, Be it Further

RESOLVED, that while the State Board recognizes there are mitigating factors present in this case, the State Board concludes that the hearing officer erred when he did not appreciate the seriousness of Mr. Henry's conduct, especially considering [*sealed in accordance with the hearing officer's entry dated April 23, 2019*]. Further, the State Board concludes that the hearing officer did not give the preceding facts and aggravating factors the weight they deserved when he made his recommendation; and, Be it Further

RESOLVED, that the State Board concludes that based on the seriousness of Mr. Henry's conduct and the other aggravating factors in this case a more appropriate sanction would be to permanently revoke Mr. Henry's license and prohibit him from reapplying for any license issued by the State Board of Education; and, Be it Further

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(3), hereby **REVOKES** David S. Henry's four-year resident educator adolescence to young adult teaching license issued in 2015 based upon [*redacted in accordance with Ohio law*]; and [*sealed in accordance with the hearing officer's entry dated April 23, 2019*]. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders that David S. Henry be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education; and, Be It Further

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

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

YES VOTES

Stephen Dackin	Stephanie Dodd
Sarah Fowler	John Hagan
Linda Haycock	Kirsten Hill
Meryl Johnson	Jenny Kilgore
Mark Lamoncha	Martha Manchester
Charlotte McGuire	Antoinette Miranda
Eric Poklar	Mike Toal
Reginald Wilkinson	Lisa Woods

NO VOTES

Laura Kohler

ABSTAIN

Nick Owens

Motion carried.

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

YES VOTES

Stephen Dackin	Stephanie Dodd
Sarah Fowler	John Hagan
Linda Haycock	Kirsten Hill
Meryl Johnson	Jenny Kilgore
Laura Kohler	Mark Lamoncha
Martha Manchester	Charlotte McGuire
Antoinette Miranda	Eric Poklar
Mike Toal	Reginald Wilkinson
Lisa Woods	

ABSTAIN

Nick Owens

Motion carried.

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

11. **RESOLUTION TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL SPECIAL ALL GRADES TEACHING LICENSE OF SCOTT A. HUGHES**

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

WHEREAS Scott A. Hughes holds a five-year professional special all grades teaching license issued in 2015; and

WHEREAS on April 16, 2019, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Scott A. Hughes of its intent to determine whether to limit, suspend, revoke, or permanently revoke his five-year professional special all grades 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. Hughes' 2018 conviction in the Hamilton County Court of Common Pleas for one felony count of possession of heroin, 2018 conviction in the Hamilton County Court of Common Pleas for one felony count of violation of a protection order, 2018 conviction in the Hamilton County Municipal Court for one misdemeanor count of operating a

vehicle under the influence of alcohol or drugs (OVI), 2018 conviction in the Hamilton County Municipal Court for one misdemeanor count of violation of a protection order and a subsequent finding of guilt on July 23, 2018 for a probation violation, 2007 conviction in the Hamilton County Municipal Court for one misdemeanor count of operating a vehicle under the influence of alcohol or drugs (OVI), 1999 conviction in the Warren Municipal Court for one minor misdemeanor count of operating a watercraft in a restricted area, and 1994 conviction in the Warren Municipal Court for one misdemeanor count of possession of alcohol under age; and

WHEREAS the notice informed Mr. Hughes 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 special all grades teaching license issued in 2015; and

WHEREAS Scott A. Hughes 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 Hamilton County Court of Common Pleas, Hamilton County Municipal Court, and Warren Municipal Court, and certified police records from the Colerain Police Department and Cincinnati 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), (B)(2)(a), and (B)(2)(d), hereby **REVOKES** Scott A. Hughes' five-year professional special all grades teaching license issued in 2015 based upon Mr. Hughes' 2018 conviction in the Hamilton County Court of Common Pleas for one felony count of possession of heroin, 2018 conviction in the Hamilton County Court of Common Pleas for one felony count of violation of a protection order, 2018 conviction in the Hamilton County Municipal Court for one misdemeanor count of operating a vehicle under the influence of alcohol or drugs (OVI), 2018 conviction in the Hamilton County Municipal Court for one misdemeanor count of violation of a protection order and a subsequent finding of guilt on July 23, 2018 for a probation violation, 2007 conviction in the Hamilton County Municipal Court for one misdemeanor count of operating a vehicle under the influence of alcohol or drugs (OVI), 1999 conviction in the Warren Municipal Court for one minor misdemeanor count of operating a

watercraft in a restricted area, and 1994 conviction in the Warren Municipal Court for one misdemeanor count of possession of alcohol under age. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders that Scott A. Hughes be permanently ineligible to apply for any license, permit, or certificate 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. Hughes of this action.

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

President Kohler called for a roll call vote.

YES VOTES

Stephen Dackin	Stephanie Dodd
Sarah Fowler	John Hagan
Linda Haycock	Kirsten Hill
Meryl Johnson	Jenny Kilgore
Laura Kohler	Mark Lamoncha
Martha Manchester	Charlotte McGuire
Antoinette Miranda	Nick Owens
Eric Poklar	Mike Toal
Reginald Wilkinson	Lisa Woods

Motion carried.

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

12. RESOLUTION TO REVOKE PERMANENTLY THE THREE-YEAR PUPIL ACTIVITY PERMIT OF BRETT J. KOVACH

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

WHEREAS Brett J. Kovach held a three-year pupil activity permit issued in 2014; and

WHEREAS on May 10, 2019, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Brett J. Kovach of its intent to determine whether to limit, suspend, revoke, or permanently revoke his three-year pupil activity permit issued in 2014 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Kovach's 2015 conviction in the Oberlin Municipal Court for one misdemeanor count of attempted telephone harassment, a conviction stemming from Mr. Kovach sending numerous emails and texts to a student and being in the vicinity of the student after having been advised not to have any contact with the student, and as part of his sentence, Mr. Kovach was ordered not to have any further contact with the student; and

WHEREAS the notice informed Mr. Kovach 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 2014; and

WHEREAS Brett J. Kovach 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 Oberlin Municipal Court, and certified police records from the Amherst 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 **REVOKES** Brett J. Kovach's three-year pupil activity permit issued in 2014 based upon Mr. Kovach's 2015 conviction in the Oberlin Municipal Court for one misdemeanor count of attempted telephone harassment, a conviction stemming from Mr. Kovach sending numerous emails and texts to a student and being in the vicinity of the student after having been advised not to have any contact with the student, and as part of his sentence, Mr. Kovach was ordered not to have any further contact with the student. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders that Brett J. Kovach be permanently ineligible to apply for any

license, permit, or certificate 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. Kovach of this action.

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

President Kohler called for a roll call vote.

YES VOTES

Stephen Dackin	Stephanie Dodd
Sarah Fowler	John Hagan
Linda Haycock	Kirsten Hill
Meryl Johnson	Jenny Kilgore
Laura Kohler	Mark Lamoncha
Martha Manchester	Charlotte McGuire
Antoinette Miranda	Nick Owens
Eric Poklar	Mike Toal
Reginald Wilkinson	Lisa Woods

Motion carried.

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

13. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO DENY PERMANENTLY THE FIVE-YEAR PROFESSIONAL ADOLESCENCE TO YOUNG ADULT TEACHING LICENSE APPLICATION OF DANIEL V. RAPP

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

WHEREAS Daniel V. Rapp has applied for a five-year professional adolescence to young adult teaching license; and

WHEREAS on January 4, 2019, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Daniel V. Rapp of its intent to deny or permanently deny his application for a five-year professional adolescence to young adult teaching license pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Rapp engaging in the following conduct that is unbecoming to the

teaching profession: on or about December 5, 2016, Mr. Rapp displayed an inappropriate word problem to his junior high math class containing the language, "[Student Name] can send 5 texts and 3 nudes in 19 minutes. He could also send 3 texts and 1 nude in 9 minutes. How long would it take him to send one

text and one nude?"; and on or about October 5, 2018, Mr. Rapp engaged in a discussion with his high school math class about a profane word and during this discussion, he wrote the words, "Fornicate Under onsent of the King" on the class whiteboard. Further, the notice included as an aggravating factor that on or about March 2, 2012, Mr. Rapp was issued a written reprimand by the Berea City School District for using profane language with three of his students; and

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

WHEREAS a hearing was held on March 14, 2019; and

WHEREAS Mr. Rapp was present at the hearing, and he was represented by counsel; and

WHEREAS the hearing officer recommends that Mr. Rapp's application be denied. Further it is recommended that Mr. Rapp be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education. The hearing officer's recommendation is based upon Mr. Rapp engaging in conduct unbecoming to the teaching profession when he used inappropriate and profane language in the classroom and discussed inappropriate topics on three occasions, and Mr. Rapp's continued licensure would create a risk to students and the educational community from an individual who has engaged in so many instances of the same type of inappropriate misconduct; 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** Daniel V. Rapp's application for a five-year professional adolescence to young adult teaching license based upon Mr. Rapp engaging in the following conduct that is unbecoming to the teaching profession: on or about December 5, 2016, Mr. Rapp displayed an inappropriate word problem to his junior high math class containing the language, "[Student Name] can send 5 texts and 3 nudes in 19 minutes. He could also send 3 texts and 1 nude in 9 minutes. How long would it take him to send one text and one nude?"; and on or about October 5, 2018, Mr. Rapp engaged in a discussion with his high school math class about a profane word and during this discussion, he wrote the words, "Fornicate Under onsent of the King" on the class whiteboard. Pursuant to Ohio Administrative Code Rule 3301-73-21(B), the State Board of Education further considers in aggravation that on or about March 2, 2012, Mr. Rapp was issued a written reprimand by the Berea City School District for using profane language with three of his students. Further, the State Board of Education, in accordance with Ohio Administrative Code

Rule 3301-73-22(A)(3)(b), orders Daniel V. Rapp be permanently ineligible to apply for any license, permit, or certificate 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. Rapp of this action.

It was Moved by Mr. Wilkinson and Seconded by Ms. Woods that the above recommendation (Item 13) be approved.

Mrs. McGuire Moved to amend the resolution by substitution. She proposed that Mr. Rapp be ineligible to apply for any license, permit, or certificate issued by the State Board of Education until on or after July 9, 2021 provided he completes, at his expense, twelve hours of training on professional boundaries with the training to be pre-approved by the Ohio Department of Education and a fitness to teach evaluation, by a licensed psychologist or psychiatrist pre-approved by the Ohio Department of Education, as well as any recommendations made by the licensed evaluator. Mrs. Hill seconded the motion. Mrs. McGuire stated her recommendation was based on mitigating circumstances provided in the Report & Recommendation, which showed he was a dedicated teacher and Mr. Rapp acknowledged he did use inappropriate language.

Mrs. Haycock Moved to add a friendly amendment to require a fitness-to-teach evaluation be included in the proposed substitute resolution. President Kohler asked if there were any objections to the proposed friendly amendment. No objections noted.

RESOLUTION TO MODIFY THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER AND TO DENY THE FIVE-YEAR PROFESSIONAL ADOLESCENCE TO YOUNG ADULT TEACHING LICENSE APPLICATION OF DANIEL V. RAPP

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

WHEREAS Daniel V. Rapp has applied for a five-year professional adolescence to young adult teaching license; and

WHEREAS on January 4, 2019, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Daniel V. Rapp of its intent to deny or permanently deny his application for a five-year professional adolescence to young adult teaching license pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Rapp engaging in the following conduct that is unbecoming to the teaching profession: on or about December 5, 2016, Mr. Rapp displayed an inappropriate word problem to his junior high math class containing the language, "[Student Name] can send 5 texts and 3 nudes in 19 minutes. He could also send 3 texts and 1 nude in 9 minutes. How long would it take him to send one text and one nude?"; and on or about October 5, 2018, Mr. Rapp engaged in a discussion with his high school math class about a profane word and during this discussion, he wrote the words,

"Fornicate Under onsent of the King" on the class whiteboard. Further, the notice included as an aggravating factor that on or about March 2, 2012, Mr. Rapp was issued a written reprimand by the Berea City School District for using profane language with three of his students; and

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

WHEREAS a hearing was held on March 14, 2019; and

WHEREAS Mr. Rapp was present at the hearing, and he was represented by counsel; and

WHEREAS the hearing officer recommends that Mr. Rapp's application be denied. Further it is recommended that Mr. Rapp be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education. The hearing officer's recommendation is based upon Mr. Rapp engaging in conduct unbecoming to the teaching profession when he used inappropriate and profane language in the classroom and discussed inappropriate topics on three occasions, and Mr. Rapp's continued licensure would create a risk to students and the educational community from an individual who has engaged in so many instances of the same type of inappropriate misconduct; 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; and

WHEREAS the State Board of Education rejects and/or modifies the following portions of the hearing officer's Report and Recommendation: modify the sentence of the last paragraph in the Aggravating Factors section of the Summary Fact Sheet to read, "Without requiring Mr. Rapp to complete training regarding professional boundaries, it would create a risk to students and the educational community to license an individual who has engaged in so many instances of the same type of inappropriate misconduct."; reject in its entirety the Recommendation of the Summary Fact Sheet; modify the second sentence of the last paragraph on page 19 of the Report and Recommendation to read, "Without requiring Mr. Rapp to complete training regarding professional boundaries, it is a reasonable concern that after three incidents it is not safe to trust Mr. Rapp in a classroom again without fear that he will engage in another impropriety involving inappropriate language or subject matter."; reject in its entirety the first full sentence on page 20 of the Report and Recommendation that begins, "If these dynamics were insufficient to curtail further misconduct..."; reject in its entirety the second sentence under the section lettered (k) on page 20 that begins, "Balancing all of these factors..."; modify Conclusion of Law numbered 16 by inserting at the beginning of the sentence language that reads, "Without requiring Mr. Rapp to complete training regarding professional boundaries,"; and reject in its entirety the first paragraph of the Recommendation section on page 32 of the Report and Recommendation; and

WHEREAS the State Board of Education adopts the remaining portions of the hearing officer's report and recommendation; and

WHEREAS the State Board may determine that a penalty outside the range of the disciplinary guidelines listed in the *Licensure Code of Professional Conduct for Ohio Educators* is more appropriate in an individual case based upon the aggravating and mitigating factors as outlined in Section 3301-73-21 of the Ohio Administrative Code and any other factors the State Board considers relevant; and

WHEREAS the State Board finds that the administrative record identifies the following mitigating factors: the records in the administrative hearing show that

Mr. Rapp was a good and dedicated teacher who was rated as skilled in his evaluations; Mr. Rapp was forthcoming about his conduct and relayed full details of the incidents to school administrators; Mr. Rapp has been licensed since 2004 and has no history of any disciplinary action imposed by the State Board of Education; there is no evidence in the administrative record that shows Mr. Rapp received any training regarding professional boundaries; and the administrative record includes emails from students and parents attesting to Mr. Rapp's skills as a teacher; and

WHEREAS the State Board concludes that the hearing officer erred when he did not give the preceding facts and mitigating factors the weight they deserved when he made his recommendation; and

WHEREAS the State Board concludes a permanent denial of Mr. Rapp's license is not warranted in this case based on the mitigating factors and a more appropriate sanction would be to deny Mr. Rapp's license but allow him to reapply in two years if he completes, at his own expense, twelve hours of training on professional boundaries: Therefore, Be It

RESOLVED, That the State Board of Education rejects and/or modifies the following portions of the hearing officer's Report and Recommendation: modify the sentence of the last paragraph in the Aggravating Factors section of the Summary Fact Sheet to read, "Without requiring Mr. Rapp to complete training regarding professional boundaries, it would create a risk to students and the educational community to license an individual who has engaged in so many instances of the same type of inappropriate misconduct."; reject in its entirety the Recommendation of the Summary Fact Sheet; modify the second sentence of the last paragraph on page 19 of the Report and Recommendation to read, "Without requiring Mr. Rapp to complete training regarding professional boundaries, it is a reasonable concern that after three incidents it is not safe to trust Mr. Rapp in a classroom again without fear that he will engage in another impropriety involving inappropriate language or subject matter."; reject in its entirety the first full sentence on page 20 of the Report and Recommendation that begins, "If these dynamics were insufficient to curtail further misconduct..."; reject in its entirety the second sentence under the section lettered (k) on page 20 that begins, "Balancing all of these factors..."; modify Conclusion of Law numbered 16 by inserting at the beginning of the sentence language that reads, "Without requiring Mr. Rapp to complete training regarding professional boundaries,"; and reject in its entirety the first paragraph of the Recommendation section on page 32 of the Report and Recommendation; and, Be It Further

RESOLVED, That the State Board of Education adopts the remaining portions of the hearing officer's report and recommendation; and, Be It Further

RESOLVED, That the State Board finds that the administrative record identifies the following mitigating factors: the records in the administrative hearing show that Mr. Rapp was a good and dedicated teacher who was rated as skilled in his evaluations; Mr. Rapp was forthcoming about his conduct and relayed full details of the incidents to school administrators; Mr. Rapp has been licensed since 2004 and has no history of any disciplinary action imposed by the State Board of Education; there is no evidence in the administrative record that shows Mr. Rapp received any training regarding professional boundaries; and the administrative record includes emails from students and parents attesting to Mr. Rapp's skills as a teacher; and, Be It Further

RESOLVED, That the State Board concludes that the hearing officer erred when he did not give the preceding facts and mitigating factors the weight they deserved when he made his recommendation; and, Be It Further

RESOLVED, That the State Board concludes a permanent denial of Mr. Rapp's license is not warranted in this case based on the mitigating factors and a more appropriate sanction would be to deny Mr. Rapp's license but allow him to reapply in two years if he completes, at his own expense, twelve hours of training on professional boundaries; and, Be It Further

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **DENIES** Daniel V. Rapp's application for a five-year professional adolescence to young adult teaching license based upon Mr. Rapp engaging in the following conduct that is unbecoming to the teaching profession: on or about December 5, 2016, Mr. Rapp displayed an inappropriate word problem to his junior high math class containing the language, "[Student Name] can send 5 texts and 3 nudes in 19 minutes. He could also send 3 texts and 1 nude in 9 minutes. How long would it take him to send one text and one nude?"; and on or about October 5, 2018, Mr. Rapp engaged in a discussion with his high school math class about a profane word and during this discussion, he wrote the words, "Fornicate Under onsent of the King" on the class whiteboard. Pursuant to Ohio Administrative Code Rule 3301-73-21(B), the State Board of Education further considers in aggravation that on or about March 2, 2012, Mr. Rapp was issued a written reprimand by the Berea City School District for using profane language with three of his students. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(a), orders Daniel V. Rapp be ineligible to apply for any license, permit, or certificate issued by the State Board of Education until on or after July 9, 2021 provided he completes, at his expense, twelve hours of training on professional boundaries with the training to be pre-approved by the Ohio Department of Education and a fitness to teach evaluation, by a licensed psychologist or psychiatrist pre-approved by the Ohio Department of Education, as well as any recommendations made by the licensed evaluator; and, Be It Further

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

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

YES VOTES

Stephanie Dodd
Kirsten Hill
Jenny Kilgore
Mark Lamoncha
Charlotte McGuire
Eric Poklar

Linda Haycock
Meryl Johnson
Laura Kohler
Martha Manchester
Antoinette Miranda
Reginald Wilkinson

NO VOTES

Stephen Dackin
John Hagan
Lisa Woods

Sarah Fowler
Mike Toal

ABSTAIN

Nick Owens

Motion carried.

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

YES VOTES

Stephen Dackin
Sarah Fowler
Linda Haycock
Meryl Johnson
Laura Kohler
Martha Manchester
Antoinette Miranda
Mike Toal
Lisa Woods

Stephanie Dodd
John Hagan
Kirsten Hill
Jenny Kilgore
Mark Lamoncha
Charlotte McGuire
Eric Poklar
Reginald Wilkinson

ABSTAIN

Nick Owens

Motion carried.

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

14. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO DENY THE FIVE-YEAR PROFESSIONAL HIGH SCHOOL TEACHING LICENSE APPLICATION OF LAWRENCE E. REAMS

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

WHEREAS Lawrence E. Reams has applied for a five-year professional high school teaching license; and

WHEREAS on September 10, 2018, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Lawrence E. Reams of its intent to deny or permanently deny his application for a five-year professional high school teaching license pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Reams engaging in conduct that is unbecoming to the teaching profession on or about the 2015-2016 school year when he acted unprofessionally while teaching class on several occasions by using the word "nigger" while teaching class, utilizing racial stereotypes while performing a portrayal of a Jim Crow character during class, referring to students as "negroids", and discussing his personal life during class, including his divorce/dissolution and/or his online dating. Further, the notice included as aggravating factors the following unbecoming conduct: on or about January 9, 2015, Mr. Reams entered into a last chance agreement with the Columbus City School District Board of Education based on his failure to properly supervise a

classroom of students, which resulted in students engaging in inappropriate activities including engaging in sexual misconduct and smoking marijuana in a storage room; on or about June 11, 2014, Mr. Reams received a written reprimand from the Columbus City School District for failing to follow normal testing protocols and procedures with the reprimand specifying that he engaged in inappropriate dialogue with a student about a test and wrote in the student's test booklet, which caused a testing irregularity that resulted in the student having to take a retest; on or about June 15, 2010, Mr. Reams received a letter of direction from the Columbus City School District concerning his unprofessional behavior in making a racially derogatory comment when he referred to Brazil nuts as "nigger toes" and, as part of the letter, he was mandated to attend sensitivity training; and on or about September 24, 2009, Mr. Reams was issued a summary of conference from the Columbus City School District concerning insubordination, inappropriate behavior, and other issues that may apply with the summary specifying that he became argumentative and stepped up "nose to nose" to an assistant principal and told the assistant principal to let Mr. Reams control his classroom; and

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

WHEREAS a hearing was held on March 20, 2019; and

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

WHEREAS the hearing officer recommends that Mr. Reams' pending application be denied. Further it is recommended that Mr. Reams be ineligible to apply for any license, permit, or certificate issued by the State Board of Education for a period of two years and that upon reapplication, Mr. Reams must provide written verification to the Ohio Department of Education that he has successfully completed, at his own expense, eight hours of sensitivity training and eight hours of professional conduct training, both of which are to be pre-approved by the Ohio Department of Education. The hearing officer's recommendation is based upon Mr. Reams engaging in conduct unbecoming to the teaching profession as a result of his racially insensitive remarks and actions and his previous discipline with the Columbus City School District, and whose continued licensure would have a negative impact on the welfare of the school community; 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** Lawrence E. Reams' application for a five-year professional high school teaching license based upon Mr. Reams engaging in conduct that is unbecoming to the teaching profession on or about the 2015-2016 school year when he acted unprofessionally while teaching class on several occasions by using the word "nigger" while teaching class, utilizing racial stereotypes while performing a portrayal of a Jim Crow character during class, referring to students as "negroids", and discussing his personal life during class, including his divorce/dissolution and/or his online dating. Pursuant to Ohio

Administrative Code Rule 3301-73-21(B), the State Board of Education further considers in aggravation the following unbecoming conduct: on or about January 9, 2015, Mr. Reams entered into a last chance agreement with the Columbus City School District Board of Education based on his failure to properly supervise a classroom of students, which resulted in students engaging in inappropriate activities including engaging in sexual misconduct and smoking marijuana in a storage room; on or about June 11, 2014, Mr. Reams received a written reprimand from the Columbus City School District for failing to follow normal testing protocols and procedures with the reprimand specifying that he engaged in inappropriate dialogue with a student about a test and wrote in the student's test booklet, which caused a testing irregularity that resulted in the student having to take a retest; on or about June 15, 2010, Mr. Reams received a letter of direction from the Columbus City School District concerning his unprofessional behavior in making a racially derogatory comment when he referred to Brazil nuts as "nigger toes" and, as part of the letter, he was mandated to attend sensitivity training; and on or about September 24, 2009, Mr. Reams was issued a summary of conference from the Columbus City School District concerning insubordination, inappropriate behavior, and other issues that may apply with the summary specifying that he became argumentative and stepped up "nose to nose" to an assistant principal and told the assistant principal to let Mr. Reams control his classroom. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(a), orders that Lawrence E. Reams be ineligible to reapply for any license, permit, or certificate issued by the State Board of Education until July 9, 2021, and upon reapplication, Mr. Reams must provide written verification to the Ohio Department of Education that he has completed, at his own expense, eight hours of sensitivity training and eight hours of professional

conduct training with both trainings to be approved in advance by the Ohio Department of Education; and, Be It Further

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

It was Moved by Ms. Woods and Seconded by Mr. Lamoncha that the above recommendation (Item 14) be approved.

Ms. Johnson Moved to amend the resolution by substitution. Ms. Johnson proposed Mr. Reams be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education. Mrs. Haycock Seconded the motion. Ms. Johnson stated Mr. Reams did not deserve to be in a classroom with children and should not ever be allowed to teach.

RESOLUTION TO MODIFY THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER AND TO DENY PERMANENTLY THE FIVE-YEAR PROFESSIONAL HIGH SCHOOL TEACHING LICENSE APPLICATION OF LAWRENCE E. REAMS

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

WHEREAS Lawrence E. Reams has applied for a five-year professional high school teaching license; and

WHEREAS on September 10, 2018, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Lawrence E. Reams of its intent to deny or permanently deny his application for a five-year professional high school teaching license pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Reams engaging in conduct that is unbecoming to the teaching profession on or about the 2015-2016 school year when he acted unprofessionally while teaching class on several occasions by using the word "nigger" while teaching class, utilizing racial stereotypes while performing a portrayal of a Jim Crow character during class, referring to students as "negroids", and discussing his personal life during class, including his divorce/dissolution and/or his online dating. Further, the notice included as aggravating factors the following unbecoming conduct: on or about January 9, 2015, Mr. Reams entered into a last chance agreement with the Columbus City School District Board of Education based on his failure to properly supervise a classroom of students, which resulted in students engaging in inappropriate activities including engaging in sexual misconduct and smoking marijuana in a storage room; on or about June 11, 2014, Mr. Reams received a written reprimand from the Columbus City School District for failing to follow normal testing protocols and procedures with the reprimand specifying that he engaged in inappropriate dialogue with a student about a test and wrote in the student's test booklet, which caused a testing irregularity that resulted in the student having to take a retest; on or about June 15, 2010, Mr. Reams received a letter of direction from the Columbus City School District concerning his unprofessional behavior in making a racially derogatory comment when he referred to Brazil nuts as "nigger toes" and, as part of the letter, he was mandated to attend sensitivity training; and on or about September 24, 2009, Mr. Reams was issued a summary of conference from the Columbus City School District concerning insubordination, inappropriate behavior, and other issues that may apply with the summary specifying that he became argumentative and stepped up "nose to nose" to an assistant principal and told the assistant principal to let Mr. Reams control his classroom; and

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

WHEREAS a hearing was held on March 20, 2019; and

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

WHEREAS the hearing officer recommends that Mr. Reams' pending application be denied. Further it is recommended that Mr. Reams be ineligible to apply for any license, permit, or certificate issued by the State Board of Education for a period of two years and that upon reapplication, Mr. Reams must provide written verification to the Ohio Department of Education that he has successfully completed, at his own expense, eight hours of sensitivity training and eight hours of professional conduct training, both of which are to be pre-approved by the Ohio Department of Education. The hearing officer's recommendation is based upon Mr. Reams engaging in conduct unbecoming to the teaching profession as a result of his racially insensitive remarks and actions and his previous discipline with the

Columbus City School District, and whose continued licensure would have a negative impact on the welfare of the school community; 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; and

WHEREAS the State Board of Education rejects the following portions of the hearing officer's Report and Recommendation: reject in its entirety the second paragraph of the Recommendation section of the Summary Fact Sheet; reject in its entirety Conclusion of Law numbered 25; and reject in its entirety the second paragraph of the Recommendation section of the Report and Recommendation; and

WHEREAS the State Board of Education adopts the remaining portions of the hearing officer's report and recommendation; and

WHEREAS the State Board may determine that a penalty outside the range of the disciplinary guidelines listed in the *Licensure Code of Professional Conduct for Ohio Educators* is more appropriate in an individual case based upon the aggravating and mitigating factors as outlined in Section 3301-73-21 of the Ohio Administrative Code and any other factors the State Board considers relevant; and

WHEREAS the State Board finds that the administrative record identifies the following aggravating factors: the nature and seriousness of Mr. Reams' conduct includes him demonstrating a pattern of inappropriate conduct when he offended students and staff by repeatedly using racially derogatory terms and gestures, failed to protect the health, safety, and welfare of students by not properly supervising students which resulted in students smoking marijuana and engaging in sexual activity in a storage closet in the back of his classroom, violated testing protocols resulting in a student having to retake a test, and violated appropriate student-teacher boundaries by discussing with students on more than one occasion his divorce and on-line dating; given Mr. Reams' age and his years of experience as a teacher, he should have understood the importance of being a role model to his students and providing a learning environment that is free from demeaning and offensive comments and gestures; additional rehabilitation efforts are not likely to affect Mr. Reams' extremely bad judgment and poor decision making as he continued to engage in similar misconduct after he had been disciplined by his former employing district four times and was required to complete sensitivity training; and his actions negatively impacted the school community as evidenced by his history of disciplinary actions, his colleagues reporting many of his separate instances of misconduct to their department chair and/or the school's principal, and his students signing a petition regarding him using racist terms in front of students and him sharing too much personal information with students; and

WHEREAS the State Board concludes that the hearing officer erred when she did not appreciate the seriousness of Mr. Reams' conduct and did not give the preceding facts and aggravating factors the weight they deserved when she made her recommendation; and

WHEREAS the State Board concludes a permanent denial of Mr. Reams' license is warranted in this case. Further, the State Board concludes that given the ongoing nature of Mr. Reams' conduct, the seriousness of his conduct, and the other aggravating factors in this case, Mr. Reams should be permanently ineligible to apply for any new license issued by the State Board of Education: Therefore, Be It

RESOLVED, That the State Board of Education rejects the following portions of the hearing officer's Report and Recommendation: reject in its entirety the second paragraph of the Recommendation section of the Summary Fact Sheet; reject in its entirety Conclusion of Law numbered 25; and reject in its entirety the second paragraph of the Recommendation section of the Report and Recommendation; and, Be It Further

RESOLVED, That the State Board of Education adopts the remaining portions of the hearing officer's report and recommendation; and, Be It Further

RESOLVED, That the State Board finds that the administrative record identifies the following aggravating factors: the nature and seriousness of Mr. Reams' conduct includes him demonstrating a pattern of inappropriate conduct when he offended students and staff by repeatedly using racially derogatory terms and gestures, failed to protect the health, safety, and welfare of students by not properly supervising students which resulted in students smoking marijuana and engaging in sexual activity in a storage closet in the back of his classroom, violated testing protocols resulting in a student having to retake a test, and violated appropriate student-teacher boundaries by discussing with students on more than one occasion his divorce and on-line dating; given Mr. Reams' age and his years of experience as a teacher, he should have understood the importance of being a role model to his students and providing a learning environment that is free from demeaning and offensive comments and gestures; additional rehabilitation efforts are not likely to affect Mr. Reams' extremely bad judgment and poor decision making as he continued to engage in similar misconduct after he had been disciplined by his former employing district four times and was required to complete sensitivity training; and his actions negatively impacted the school community as evidenced by his history of disciplinary actions, his colleagues reporting many of his separate instances of misconduct to their department chair and/or the school's principal, and his students signing a petition regarding him using racist terms in front of students and him sharing too much personal information with students; and, Be It Further

RESOLVED, That the State Board concludes that the hearing officer erred when she did not appreciate the seriousness of Mr. Reams' conduct and did not give the preceding facts and aggravating factors the weight they deserved when she made her recommendation; and, Be It Further

RESOLVED, That the State Board concludes a permanent denial of Mr. Reams' license is warranted in this case. Further, the State Board concludes that given the ongoing nature of Mr. Reams' conduct, the seriousness of his conduct, and the other aggravating factors in this case, Mr. Reams should be permanently ineligible to apply for any new license issued by the State Board of Education; and, Be It Further

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **DENIES** Lawrence E. Reams' application for a five-year

professional high school teaching license based upon Mr. Reams engaging in conduct that is unbecoming to the teaching profession on or about the 2015-2016 school year when he acted unprofessionally while teaching class on several occasions by using the word "nigger" while teaching class, utilizing racial stereotypes while performing a portrayal of a Jim Crow character during class, referring to students as "negroids", and discussing his personal life during class, including his divorce/dissolution and/or his online dating. Pursuant to Ohio Administrative Code Rule 3301-73-21(B), the State Board of Education further considers in aggravation the following unbecoming conduct: on or about January 9, 2015, Mr. Reams entered into a last chance agreement with the Columbus City School District Board of Education based on his failure to properly supervise a classroom of students, which resulted in students engaging in inappropriate activities including engaging in sexual misconduct and smoking marijuana in a storage room; on or about June 11, 2014, Mr. Reams received a written reprimand from the Columbus City School District for failing to follow normal testing protocols and procedures with the reprimand specifying that he engaged in inappropriate dialogue with a student about a test and wrote in the student's test booklet, which caused a testing irregularity that resulted in the student having to take a retest; on or about June 15, 2010, Mr. Reams received a letter of direction from the Columbus City School District concerning his unprofessional behavior in making a racially derogatory comment when he referred to Brazil nuts as "nigger toes" and, as part of the letter, he was mandated to attend sensitivity training; and on or about September 24, 2009, Mr. Reams was issued a summary of conference from the Columbus City School District concerning insubordination, inappropriate behavior, and other issues that may apply with the summary specifying that he became argumentative and stepped up "nose to nose" to an assistant principal and told the assistant principal to let Mr. Reams control his classroom. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders that Lawrence E. Reams be permanently ineligible to apply for any license, permit, or certificate 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. Reams of this action.

President Kohler called for a roll call vote on the proposed substitute resolution.

YES VOTES

Stephen Dackin
Sarah Fowler
Linda Haycock
Meryl Johnson
Laura Kohler
Martha Manchester
Antoinette Miranda
Mike Toal
Lisa Woods

Stephanie Dodd
John Hagan
Kirsten Hill
Jenny Kilgore
Mark Lamoncha
Charlotte McGuire
Eric Poklar
Reginald Wilkinson

ABSTAIN

Nick Owens

Motion carried.

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

YES VOTES

Stephen Dackin
Sarah Fowler
Linda Haycock
Meryl Johnson
Laura Kohler
Martha Manchester
Antoinette Miranda
Mike Toal
Lisa Woods

Stephanie Dodd
John Hagan
Kirsten Hill
Jenny Kilgore
Mark Lamoncha
Charlotte McGuire
Eric Poklar
Reginald Wilkinson

ABSTAIN

Nick Owens

Motion carried.

Item 15 was pulled from the Voting Agenda and not voted on.

15. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER AND TO REVOKE PERMANENTLY THE PERMANENT NON-TAX TEACHING CERTIFICATE OF MARY E. VAN LOVEREN

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

WHEREAS Mary E. Van Loveren holds a permanent non-tax teaching certificate issued in 2009 with an effective year of 2008; and

WHEREAS on August 31, 2018, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Mary E. Van Loveren of its intent to determine whether to limit, suspend, revoke, or permanently revoke her permanent non-tax teaching certificate issued in 2009 with an effective year of 2008 pursuant to Ohio Revised Code 3319.31(B)(1) and *[redacted in accordance with Ohio law]*. The notice was based upon *[redacted in accordance with Ohio law]*; and

WHEREAS Ms. Van Loveren did not request a hearing regarding the State Board of Education's intent; and

WHEREAS a hearing was held on March 12, 2019; and

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

WHEREAS the hearing officer recommends that *[sealed by the hearing officer]*. The hearing officer's recommendation is based upon *[sealed by the hearing officer]*; and

WHEREAS Ms. Van Loveren filed objections to the hearing officer's report and recommendation, but her objections were not filed in accordance with Ohio Revised Code 119.09; and

WHEREAS the Ohio Department of Education notified Ms. Van Loveren by letter that her objections would not be considered because they were not 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) and [redacted in accordance with Ohio law], hereby **REVOKES** Mary E. Van Loveren's permanent non-tax teaching certificate issued in 2009 with an effective year of 2008 based upon [redacted in accordance with Ohio law]. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Mary E. Van Loveren be permanently ineligible to apply for any license, permit, or certificate 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. Van Loveren of this action.

President Kohler presented the following recommendation (Item 16):

16. RESOLUTION APPROVING RECOMMENDATION TO THE GENERAL ASSEMBLY REGARDING RECOGNITION OF HIGH SCHOOL EQUIVALENCY IN OHIO REVISED CODE 3319.229

The State Board of Education ("Board") hereby **APPROVES** the following Preambles and Resolution:

During the State Board of Education's five-year review of Ohio Administrative Code 3301-24-22 / Alternative Resident Educator License for Career Technical Workforce Development, an issue was raised that licensure for a two-year initial career-technical workforce development educator license and a five-year advanced career-technical workforce development educator license is limited by Ohio Revised Code 3319.229(B) to applicants with a high school diploma;

The requirement for a high school diploma in ORC 3319.229(B) prevents otherwise qualified individuals who have graduation equivalency (e.g. GED) from obtaining licensure to teach their skills in a career technical or workforce development program; and

The Board supports schools and districts efforts to get the most qualified individuals with applicable skills into career tech and workforce development teaching positions by eliminating barriers to entry such as the requirement for a high school diploma.

NOW, THEREFORE, BE IT RESOLVED, that the Board approves the recommendation of a legislative change by amending ORC 3319.229(B) to allow an individual skilled in a trade and otherwise meeting the requirements of the law to obtain licensure to teach a career technical or workforce development program so long as the individual received a high school diploma or earned a graduation equivalency;

BE IT FURTHER RESOLVED, that the Board hereby directs the Superintendent of Public Instruction to prepare a recommendation, subject to the approval of the President of the Board, to the Primary and Secondary Education Committee of the Ohio House of Representatives and the Education Committee of the Ohio Senate containing the recommendation approved herein;

BE IT FURTHER RESOLVED, that the Superintendent submit the recommendation to the aforementioned committees of the General Assembly and take any appropriate action to advocate for its adoption.

It was Moved by Mr. Owens and Seconded by Mrs. Hill that the above recommendation (Item 16) be approved.

President Kohler called for a roll call vote.

YES VOTES

Stephen Dackin	Stephanie Dodd
Sarah Fowler	John Hagan
Linda Haycock	Kirsten Hill
Meryl Johnson	Jenny Kilgore
Laura Kohler	Mark Lamoncha
Martha Manchester	Charlotte McGuire
Antoinette Miranda	Nick Owens
Eric Poklar	Mike Toal
Reginald Wilkinson	Lisa Woods

Motion carried.

President Kohler presented the following recommendation (Item 17):

17. MOTION TO ACCEPT RECOMMENDED CHANGE TO THE STATE BOARD OF EDUCATION POLICIES AND PROCEDURES MANUAL REGARDING GUIDANCE

The Executive Committee **RECOMMENDS** that the State Board of Education **ADOPT** the above motion.

It was Moved by President Kohler that the above recommendation (Item 17) be approved.

President Kohler called for a roll call vote.

YES VOTES

Stephen Dackin
Sarah Fowler
Linda Haycock
Meryl Johnson
Laura Kohler
Martha Manchester
Antoinette Miranda
Eric Poklar
Reginald Wilkinson

Stephanie Dodd
John Hagan
Kirsten Hill
Jenny Kilgore
Mark Lamoncha
Charlotte McGuire
Nick Owens
Mike Toal
Lisa Woods

Motion carried.

President Kohler presented the following recommendation (Item 18):

18. RESOLUTION FOR ADDITIONAL COMPENSATION HOURS FOR MEMBERS OF THE STATE BOARD OF EDUCATION

The State Board of Education (“Board”) hereby **ADOPTS** the following Preambles and Resolutions:

Ohio Revised Code (“ORC”) Section 3301.03 authorizes each voting member of the State Board of Education (“State Board”) to be paid a salary fixed pursuant to division (J) of ORC Section 124.15, together with the member’s actual and necessary expenses incurred while engaged in the performance of the member’s official duties or in the conduct of authorized board business, and while enroute to and from the member’s home for such purposes.

Division (J) of ORC 124.15 provides that unless the compensation of a member of a board or commission is otherwise set by statute, the director of administrative services shall establish the rate and method of payment for members of boards and commissions pursuant to the pay schedules listed in ORC 124.152.

It is not the intention of the State Board to modify the pay schedules established under ORC 124.15, but rather to increase the number of hours for which a member may be compensated at the hourly rate set by statute.

Paragraph G of the State Board’s Policies and Procedures Manual sets forth the policies for State Board Member compensation and expenses.

At its April 2019 meeting, the Executive Committee recommended the following changes to Paragraph G of the State Board’s Policies and Procedures Manual regarding State Board Member Compensation:

- Members could include up to 144 hours for meeting preparation time and constituent services time per year. Members may choose whether they want to count those hours.
- Members who hold the following positions would be compensated as follows:

- Committee/Task Force Vice Chair – up to 180 hours
- Committee/Task Force Chair – up to 216 hours
- State Board Vice President – up to 252 hours
- State Board President – up to 280 hours

NOW, THEREFORE, BE IT RESOLVED, that based on the recommendation from the Executive Committee, the Board hereby approves the additional compensation hours outlined above.

BE IT FURTHER RESOLVED, that Attorney General Opinion 2019-019 states that a State Board member may not take advantage of the increase unless the amended version of the State Board's Policies and Procedures Manual was in effect at the start of the voting member's current term in office.

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

Mrs. Dodd stated she would not support the resolution because it completely disincentivizes normal committee members from participating or engaging in the process, as they will have to continue to volunteer their time. She also stated it did not make sense to her to suggest that a committee chair or vice-chair spends a much greater time doing the work of a committee.

Mr. Poklar stated he would be voting no on the resolution due to concerns with the perception of the Board voting for themselves to obtain a pay raise and the number of hours is a very substantial increase.

Mr. Owens stated that this is not an increase in the pay rate and the Board's Policy and Procedures manual is not consistent regarding Board members responding to electronic and phone communication to constituent inquiries and the time involved.

After discussion, President Kohler announced that she would like the Executive Committee to further address this issue and asked if there were any objections to pulling this item from the voting agenda. There were no objections.

President Kohler presented the following recommendation (Item 19):

19. RESOLUTION APPOINTING MEMBER TO THE EDUCATOR STANDARDS BOARD

The State Board of Education **ADOPTS** the following Preambles and Resolution:

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

Ohio Revised Code Section 3319.60 directs the State Board of Education to appoint to the Educator Standards Board ten public school teachers, one non-

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public school teacher, five administrators, one school board member and one parent representative;

Ohio Revised Code Section 3319.60 provides that vacancies on the board shall be filled in the same prescribed manner as appointments under that section;

The position on the Education Standards Board for a School Business Manager or School Treasurer is now vacant;

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

The State Board has reviewed the nominations for the Educator Standards Board for the position noted below;

NOW, THEREFORE, BE IT RESOLVED, that the State Board of Education hereby appoints the following individual to the Educator Standards Board to fill the vacant position noted below for the remaining term expiring on June 30, 2020:

Cajon Keeton Treasurer or Business Manager

President Kohler opened the floor for nominations.

Ms. Johnson Moved the nomination for Cajon Keeton. Ms. Fowler Moved the nomination for Scott Michael Paul.

Mrs. McGuire Moved to close nominations. Mrs. Hill seconded the motion. Ms. Johnson and Ms. Fowler spoke in favor of their nominations.

Mrs. Haycock spoke in favor of Mr. Keeton.

Mrs. Dodd stated she personally knew one of the candidates and would abstain from the vote.

President Kohler called for a roll call vote for Board members to say the name of the candidate they were voting for.

CAJON KEETON

Linda Haycock
Jenny Kilgore
Mark Lamoncha
Charlotte McGuire
Nick Owens
Mike Toal

Meryl Johnson
Laura Kohler
Martha Manchester
Antoinette Miranda
Eric Poklar

SCOTT MICHAEL PAUL

Sarah Fowler
Kirsten Hill

John Hagan
Lisa Woods

ABSTAIN

Stephen Dackin

Stephanie Dodd

Reginald Wilkinson

Cajon Keeton received 11 votes and the appointment to the Educator Standards Board.

President Kohler interrupted Voting on the Report & Recommendation of the Superintendent to allow individuals to address the Board regarding an item not on the Voting Agenda.

PUBLIC PARTICIPATION ON NON-VOTING AGENDA ITEMS

Dr. Philip Wagner, Superintendent and Mr. Todd Griffith, Treasurer, Licking Heights School District. Dr. Wagner and Mr. Griffith spoke to the Board regarding school funding.

President Kohler presented the following recommendation (Item 20):

20. RESOLUTION TO AUTHORIZE THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO NEGOTIATE SETTLEMENT TERMS WITH BRADLEY J. DELERUYELLE

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

WHEREAS Bradley J. Deleruyelle holds a five-year school treasurer license issued in 2015 and a three-year pupil activity permit issued in 2016; and

WHEREAS on April 11, 2018, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Bradley J. Deleruyelle of its intent to determine whether to limit, suspend, revoke, or permanently revoke his five-year school treasurer license issued in 2015 and three-year pupil activity permit issued in 2016 pursuant to Ohio Revised Code 3319.31(B)(1); and

WHEREAS Mr. Deleruyelle requested a hearing in this matter; and

WHEREAS a hearing was held on September 27, 2018; and

WHEREAS Mr. Deleruyelle was present at the hearing, and he was represented by counsel; and

WHEREAS on April 9, 2019, the State Board of Education admonished Mr. Deleruyelle who holds a five-year school treasurer license issued in 2015 and a three-year pupil activity permit issued in 2016 based upon Mr. Deleruyelle, on or about the 2015-2016 school year, while employed as the school treasurer for the Pandora-Gilboa Local School District, paying an unlicensed individual as a part-time teacher; and

WHEREAS a treasurer's responsibility to ensure educators are licensed prior to payment is codified in Ohio Revised Code 3319.36; and

WHEREAS after the hearing was held in this matter, Ohio Revised Code 3319.36 was amended by the Ohio legislature with the amendments to Ohio Revised Code

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3319.36 being remedial in nature and applying to any proceeding, investigation, or citation involving a school treasurer that have not reached final adjudication, including all available appeals; and

WHEREAS Mr. Deleruyelle appealed the State Board of Education's resolution on May 13, 2019 in the Putnam County Court of Common Pleas; and

WHEREAS Mr. Deleruyelle has expressed a desire to settle his pending appeal with the State Board of Education; and

WHEREAS based on the recent changes in Ohio Revised Code 3319.36, the Department of Education is interested in resolving Mr. Deleruyelle's appeal through settlement: Therefore, Be It

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31, hereby **AUTHORIZES** the Superintendent of Public Instruction to negotiate settlement terms with Mr. Deleruyelle; and, Be It Further

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

It was Moved by Ms. Johnson and Seconded by Mr. Hagan that the above recommendation (Item 20) be approved.

President Kohler called for a roll call vote.

YES VOTES

Stephen Dackin
Sarah Fowler
Linda Haycock
Meryl Johnson
Laura Kohler
Martha Manchester
Antoinette Miranda
Mike Toal
Lisa Woods

Stephanie Dodd
John Hagan
Kirsten Hill
Jenny Kilgore
Mark Lamoncha
Charlotte McGuire
Eric Poklar
Reginald Wilkinson

ABSTAIN

Nick Owens

Motion carried.

Non-Resolutions
New Business

President Kohler assigned the review of End-of-Course exam cut scores and ACT calibration to the Assessment and Accountability Committee.

Ms. Johnson Moved to adjourn the meeting. Mr. Hagan Seconded the motion.

The President requested a voice vote.

Motion carried.

President Kohler adjourned the meeting at 2:05 p.m. The next regularly scheduled meeting of the State Board of Education is September 16-17, 2019.

ATTEST:



Laura Kohler
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.