

**STATE BOARD OF EDUCATION OF OHIO  
MINUTES**

August 10, 2020  
Special Meeting  
Ohio Department of Education  
25 South Front Street  
Columbus, Ohio 43215

**MEMBERS OF THE STATE BOARD OF EDUCATION**

Stephen Dackin	Stephanie Dodd
Sarah Fowler Arthur	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

**EX OFFICIO MEMBERS**

Senator Peggy Lehner	Representative Don Jones
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**SECRETARY**

Paolo DeMaria  
Superintendent of Public Instruction

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The State Board convened virtually on Monday, August 10 for a special Board meeting to consider operating requirements for Department of Education licensed childcare programs and health and safety requirements for schools and districts.

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**STATE BOARD BUSINESS MEETING**

President Kohler convened the Business meeting of the State Board of Education on Monday, August 10, at 9:00 a.m.

President Kohler asked the Recording Secretary to call the roll.

**YES VOTES**

Stephen Dackin	Stephanie Dodd
Sarah Fowler Arthur	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.

NOTE: Mrs. Fowler Arthur acknowledged her attendance by text that she was present.

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

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## **REVIEW OF WRITTEN REPORTS AND ITEMS FOR VOTE**

Memorandum regarding today's action:

Ohio Revised Code 3301.53 requires the State Board of Education to establish minimum standards to be applied to both preschool and school age child care programs that are consistent with and meet or exceed the requirements of rules adopted by ODJFS for child care centers pursuant to ORC Chapter 5104, which regulates ODJFS licensed child care programs.

OAC 5101:2-12-02.2 was adopted as an emergency rule by the Ohio Department of Job and Family Services (ODJFS) on May 29, 2020 to address transitional pandemic requirements for licensed child-care centers. On June 9, 2020, the Board adopted OAC 3301-32-06.1 and OAC 3301-37-03.1, as emergency rules to align to the requirements of OAC 5101:2-12-02.2.

OAC 5101:2-12-02.2 has since been updated by ODJFS to address transitional pandemic requirements for licensed child-care centers. In order to meet or exceed the requirements of the rules adopted by ODJFS, the Department recommends the emergency adoption of OAC 3301-32-06.1 and OAC 3301-37.03.1, which mirror the language in OAC 5101:2-12-02.2. These rules add certain sanitation guidelines that exceed what is contained in OAC 5101:2-12-02.2 as specified below.

In addition to the existing rule regulating childcare centers, the rule establishes new requirements for taking temperatures, exclusion, and notification of local health departments for COVID-19 symptoms; requirements of staff members and children to wear face coverings; and adds specifications for portable sinks.

OAC rules 3301-32-06.1 and 3301-37-03.1 are being amended to meet or exceed the new transitional pandemic requirements for licensed child-care centers. Rule 3301-32-06.1 pertains to school childcare programs and rule 3301-37-03.1 pertains to preschool programs. Each of these rules incorporates by reference OAC 5101:2-12-02.2. In addition to incorporating the new requirements by reference, the Department has added a provision requiring all cleaning, sanitation, and handwashing protocols to be done in accordance with the Planning Guide for Ohio Schools and Districts.

These emergency amendments are immediately effective upon the issuance of an Executive Order and are in effect for 120 days.

OAC 5101:2-12-02.2 is attached here together with the proposed emergency amendments to OAC 3301-32-06.1 and 3301-37-03.1. To make it easier to identify the changes made to these rules, the attached documents have been marked to show the changes by underlining the new language and striking through to show any deletions

**Today's Action:**

**3301-32-06.1 / Transitional Pandemic Requirements for a Licensed School Child Program**

(A) Notwithstanding Chapter 32 of the Administrative Code, the program shall comply with rule 5101:2-12-02.2 of the Administrative Code, while in effect, with the following ~~exception~~ addition:

~~(1) If a child requires an aide, personal carer, or itinerant teacher in order to fully participate in the program, that adult shall not count within the classroom ratio or maximum class size restrictions required by rule 5101:2-12-02.2 of the Administrative Code.~~

(1) All cleaning, sanitizing, and handwashing protocols shall be done in accordance with the Planning Guide for Ohio Schools and Districts as found on the Department's website ([education.ohio.gov](http://education.ohio.gov)).

**3301-37-03.1 Transitional Pandemic Requirements for a Licensed Child Day-Care Program**

(A) Notwithstanding Chapter 37 of the Administrative Code, the program shall comply with rule 5101:2-12-02.2 of the Administrative Code, while in effect, with the following ~~exception~~ addition:

~~(1) If a child requires an aide, personal carer, or itinerant teacher in order to fully participate in the program, that adult shall not count within the classroom ratio or maximum class size restrictions required by rule 5101:2-12-02.2 of the Administrative Code.~~

(1) All cleaning, sanitizing, and handwashing protocols shall be done in accordance with the Planning Guide for Ohio Schools and Districts as found on the Department's website ([education.ohio.gov](http://education.ohio.gov)).

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**REPORT OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

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

- Reset & Restart of Ohio's schools

Education Model Planned for Start of SY21 – Preliminary as of August 6.

- Five-day return – 53%
- Fully Remote/Online – 9%
- Hybrid Model – 25%
- Not Readily Available – 12%

Areas of Support to School Districts:

- Financial Assistance
- Student Readiness

- Special Education
- Child Nutrition
- Social, Emotional Health of Students
- Early Childhood
- Policy Context of Assessment

The Board took a brief recess.

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**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 recommendation (Item 1):

- 1. RESOLUTION TO RECOMMEND THE EMERGENCY ADOPTION OF OHIO ADMINISTRATIVE CODE 3301-32-06.1 / TRANSITIONAL PANDEMIC REQUIREMENTS FOR A LICENSED SCHOOL CHILD PROGRAM AND 3301-37-03.1/ PANDEMIC REQUIREMENTS FOR A LICENSED CHILD DAY-CARE PROGRAM**

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

Ohio Revised Code (ORC) Section 3301.53 requires the State Board of Education to establish minimum standards to be applied to preschool and school child programs that are consistent with and meet or exceed the requirements of rules adopted by the Ohio Department of Job and Family Services for child day-care centers pursuant to ORC Chapter 5104.

Ohio Administrative Code (OAC) 5101:2-12-02.2 was adopted as an emergency rule by the Ohio Department of Job and Family Services to address transitional pandemic requirements for licensed child-care centers on May 29, 2020. On June 9, 2020, the Board adopted OAC 3301-32-06.1 and OAC 3301-37-03.1, as emergency rules to align to the requirements of OAC 5101:2-12-02.2.

OAC 5101:2-12-02.2 has since been updated by the Ohio Department of Job and Family Services to address transitional pandemic requirements for licensed child-care centers.

In order to meet or exceed the requirements of rules adopted by the Ohio Department of Job and Family Services, staff recommends the emergency adoption of OAC 3301-32-06.1/Transitional Pandemic Requirements for a Licensed School Child Program and OAC 3301-37-03.1/ Transitional Pandemic Requirements for a Licensed Child Day-Care Program, which mirror the language of OAC 5101:2-12-02.2. These rules additionally add certain sanitation guidelines that exceed what is contained in OAC 5101:2-12-02.2.

**NOW, THEREFORE, BE IT RESOLVED**, the Board approves adopting OAC 3301-32-06.1 and 3301-37-03.1 in the form attached hereto, which shall be

effective immediately upon issuance of an Executive Order by the Governor pursuant to ORC 119.03(G);

BE IT 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

BE IT FURTHER RESOLVED, that the Superintendent of Public Instruction be, and hereby is, directed to comply with ORC 119.03(G) as it pertains to emergency rules.

It was Moved by President Kohler and Seconded by Mrs. Manchester that the above recommendation (Item 1) be approved.

Vice President McGuire Moved to amend the resolution by substitution. She proposed to insert "Reset and Restart" before the words "Planning Guide for Ohio Schools and Districts" in both Administrative Rules. Mrs. Haycock Seconded the motion. Vice President McGuire stated the proposed motion would clarify and align the rules with the Reset and Restart Planning Guide for Ohio Schools and Districts posted on the Department's website.

Proposed amendment to rules:

**3301-32-06.1 Transitional Pandemic Requirements for a Licensed School Child Program**

(A) Notwithstanding Chapter 32 of the Administrative Code, the program shall comply with rule 5101:2-12-02.2 of the Administrative Code, while in effect, with the following ~~exception~~ addition:

~~(1) If a child requires an aide, personal carer, or itinerant teacher in order to fully participate in the program, that adult shall not count within the classroom ratio or maximum class size restrictions required by rule 5101:2-12-02.2 of the Administrative Code.~~

(1) All cleaning, sanitizing, and handwashing protocols shall be done in accordance with the Reset and Restart Planning Guide for Ohio Schools and Districts as found on the Department's website (education.ohio.gov).

**3301-37-03.1 Transitional Pandemic Requirements for a Licensed Child Day-Care Program**

(A) Notwithstanding Chapter 37 of the Administrative Code, the program shall comply with rule 5101:2-12-02.2 of the Administrative Code, while in effect, with the following ~~exception~~ addition:

~~(1) If a child requires an aide, personal carer, or itinerant teacher in order to fully participate in the program, that adult shall not count within the classroom ratio or maximum class size restrictions required by rule 5101:2-12-02.2 of the Administrative Code.~~

(1) All cleaning, sanitizing, and handwashing protocols shall be done in accordance with the Reset and Restart Planning Guide for Ohio Schools and Districts as found on the Department's website (education.ohio.gov).

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

YES VOTES

Stephen Dackin

Stephanie Dodd

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

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

Motion carried.

Mrs. Hill asked if there was a written exception list with regards to wearing masks and will there be a written form that is required for those students. Wendy Grove responded that the Administrative rule does not specifically contain exceptions or the requirement for a form, but there are exceptions contained within the larger health order.

Mrs. Fowler Arthur stated she had received numerous concerns especially from parents of elementary school age children regarding the mask requirement when originally it had only been offered as guidance. She further stated she would support the resolution but recognized there may be long-term unintended consequences.

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

YES VOTES

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

Stephanie Dodd  
Linda Haycock  
Jenny Kilgore  
Mark Lamoncha  
Charlotte McGuire  
Nick Owens  
Mike Toal  
Lisa Woods

NO VOTES

John Hagan

Kirsten Hill

Motion carried.

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

The President requested a voice vote.

Motion carried.

President Kohler adjourned the meeting at 11:45 a.m.

ATTEST:



Laura Kohler  
President  
State Board of Education



Paolo DeMaria  
Superintendent of Public Instruction

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