

**STATE BOARD OF EDUCATION OF OHIO
MINUTES**

September 2020
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	Paul LaRue
Mark Lamoncha	Martha Manchester
Charlotte McGuire	Antoinette Miranda
Nick Owens	Eric Poklar
Mike Toal	Lisa Woods

EX OFFICIO MEMBERS

Senator Peggy Lehner	Representative Don Jones
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SECRETARY

Paolo DeMaria
Superintendent of Public Instruction

The State Board convened a virtual Board meeting on Monday, September 21.

The Board's Teaching, Leading and Learning Committee met beginning at 9:00 a.m.

Topics of discussion were:

- Discuss: OAC 3301-24-23 Resident Educator License Renewal & OAC 3301-24-24 Alternative Resident Educator License Renewal (Possible Vote)
- Discuss: OAC 3301-43 Adult High School Continuation
- Discuss: OAC 3301-56-02 Criteria for Reading Achievement Improvement Plans
- Discuss: Presentation: Ohio Mathematics Pathways

The Board's Continuous Improvement Committee met beginning at 10:30 a.m.

Topics of discussion were:

- Discuss: OAC 3301-14-01 Education Information Management System
- Discuss: Strategic Plan Core Principle: Partnerships
- Discuss: Field Services and School Reopening

The Board's Assessment & Accountability Committee met beginning at 1:00 p.m.

Topics of discussion were:

- Discuss: Attendance Rate Calculation Rule – 3301-18-01 (Five Year Review) (Possible Vote)
- Discuss: Research, Evaluation and Advanced Analytics
- Discuss: Performance Standards Confirmation Process

The Board's Integrated Student Supports Committee met beginning at 2:30 p.m.

Topics of discussion were:

- Discuss: OAC 3301-37-01 through 3301-37-12 Child Day-Care Programs
- Discuss: OAC 3301-32-01 through 3301-32-12 School Child Program
- Discuss: OAC 3301-35-15 Standards for the Implementation of Positive Behavior Intervention Supports and Restraint and Seclusion
- Discuss: Reset and Restart Supports and Resources for Schools

President Kohler recessed the Board meeting at 4:05 p.m.

STATE BOARD BUSINESS MEETING

President Kohler convened the Business meeting of the State Board of Education on Tuesday, September 22, at 9:00 a.m.

President Kohler asked the Recording Secretary to call the roll.

MEMBERS PRESENT

Stephen Dackin	Stephanie Dodd
Sarah Fowler Arthur	Linda Haycock
Kirsten Hill	Meryl Johnson
Jenny Kilgore	Laura Kohler
Paul LaRue	Mark Lamoncha
Martha Manchester	Charlotte McGuire
Antoinette Miranda	Nick Owens
Mike Toal	Lisa Woods

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

President Kohler announced changes to the agenda for Tuesday and stated that Public Participation on Non-Voting agenda items would be moved to later in the day.

Mrs. Fowler Arthur Moved to move the equity training to the end of the meeting, Tuesday, September 22, 2020. Mrs. Fowler Arthur stated the training was voluntary and the public should have the opportunity to participate and provide feedback before the Board has had the opportunity to vote. Mr. Hagan Seconded the motion.

President Kohler stated the facilitator for the training had already been scheduled and was not sure of their availability later in the day.

Ms. Johnson stated she would not support the proposed motion and noted that the training was mandated in the resolution that was approved by the Board and depending how late public participation ended, the training may not be able to take place.

Dr. Kilgore stated she supported the proposed motion out of respect for Board members and those who planned to provide input.

Mr. Hagan stated it was atrocious to think a paid contractor would be put before the public who wished to provide input to the Board.

Mrs. Dodd stated she supported the changes and would support the motion.

President Kohler called for a roll call vote on the proposed motion by Mrs. Fowler Arthur.

YES VOTES

Stephen Dackin	Sarah Fowler Arthur
John Hagan	Kirsten Hill
Jenny Kilgore	Mark Lamoncha
Charlotte McGuire	Mike Toal
Lisa Woods	

NO VOTES

Stephanie Dodd	Linda Haycock
Meryl Johnson	Paul LaRue
Martha Manchester	Antoinette Miranda
Nick Owens	Laura Kohler

NOTE: Mrs. McGuire's vote was confirmed through her typing a YES vote in the chat box, which was acknowledged.

Motion carried.

President Kohler called for the approval of the Minutes of the July 2020 meeting, August 10, 2020 Special Meeting and September 1, 2020 Special Meeting. She asked if there were any corrections to the Minutes.

President Kohler stated the recording secretary had uploaded changes provided by Board members to the July 2020 meeting minutes this morning.

There were no corrections to the July 2020, August 10, 2020 Special Meeting and September 1, 2020 Special Meeting minutes.

It was Moved by Mrs. McGuire and Seconded by Mrs. Fowler-Arthur that the Minutes be approved as presented with corrections from Board members. The President called for a voice vote.

Motion carried unanimously.

Mrs. Fowler Arthur stated she wished to make a statement for the record regarding the minutes that were passed. President Kohler responded that she believed Mrs. Fowler Arthur should have made the statement before the minutes were approved. Mrs. Fowler Arthur responded that it had been precedent in the past that additional comments that were not part of the minutes be submitted after the minutes had been approved, but she would defer to legal counsel. Ms. Singh responded she would defer to the President. President Kohler responded she would allow Mrs. Fowler Arthur to make her statement. Mr. Owens responded he believed this was inappropriate at this time and should be brought forward during new business. President Kohler then responded she felt it would be best for Mrs. Fowler Arthur to bring her statement forward during Old Business. Mrs. Fowler Arthur responded that she was concerned the Board was not following past precedent simply because of the topic she was about to address. President Kohler responded Mrs. Fowler Arthur could read her statement during Old Business.

Chapter 119 Hearing

September 22, 2020
9:27 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 amendment of OAC 3301-13-04 Establishing provisions for a waiver by the superintendent of public instruction.
- The adoption of OAC 3301-24-29 Temporary Military License.
- The rescission of current and adoption of new OAC 3301-46-01 Innovative education pilot programs.

President Kohler called on Mia Yaniko, from the Office of the Attorney General, Chief, Education section. Ms. Yaniko 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 actions subject to this hearing;
- Board Exhibits 2-4 would be true and accurate copies of the resolutions adopted by the State Board of Education regarding these rules;
- Board Exhibits 5-7 would be true and accurate copies of the rules 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 8.

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. Yaniko, who submitted into evidence State Board Exhibits 1 through 7.

President Kohler stated that the exhibits were so received. As there was no more testimony, she declared the public hearing closed at 9:30 a.m.

Review of Written Reports and Items for Vote

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.

Ms. Woods Seconded the motion.

The President called for a roll call vote.

YES VOTES

Stephen Dackin	Stephanie Dodd
Sarah Fowler Arthur	John Hagan
Linda Haycock	Kirsten Hill
Meryl Johnson	Jenny Kilgore
Laura Kohler	Paul LaRue
Mark Lamoncha	Charlotte McGuire
Antoinette Miranda	Nick Owens
Mike Toal	Lisa Woods

Motion carried.

The Board went into Executive Session and Quasi-Judicial discussion at 9:37 a.m.

The Board recessed from Executive Session and Quasi-Judicial discussion at 11:30 a.m.

The Board took a short recess.

REPORT OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION

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

- 2020 Report Card Discussion
- Ohio Teacher of the Year Gift Program Update

2020 OHIO SCHOOL REPORT CARDS

Data Availability:

House Bill 197 – 133rd General Assembly

Ohio's ordered school-building closure and subsequent emergency legislation have had substantial impacts on the state's accountability system and Ohio School Report Cards for the 2019-2020 school year.

This had significant impact on the data available for the report card.

Report Card Section – School & District Report Cards

- Graduation Rate Component
- Prepared for Success Component
- Financial Data – Spending and Source of funds

Report Card Section – Career Technical Planning District

- Career and Post-Secondary Readiness Component
- Graduation Rate Component – four- and five-year rates
- Post-Program Outcomes Component – placement and credentials

Report Card Section – Dropout Prevention and Recovery

- Graduation Rate Component – 4, 5, 6, 7 and 8-year rates

Website Changes:

- Updated spreadsheets are not available for the 2019-2020 school year

Reporting Changes: With no letter grades or ratings, ‘NR’ stands for not reported. Additionally, some components no longer have the “View More Data” option due to lack of data availability.

- Achievement - This data is not available
- Progress - This data is not available
- Gap Closing - This data is not available
- Graduation Rate – This data is available
- Improving At-Risk K-3 Readers – This data is partially available this year
- Prepared for Success - This data is available

2020 Report Card Data

2020 State Report Card:

- Graduation rates continue to climb
- Indicators of success continue to increase

OHIO TEACHER OF THE YEAR RECOGNITION PROGRAM UPDATES

Background:

- Ohio law allows the State Board of Education to “establish an annual teacher of the year recognition program for outstanding teachers.” ORC3319.67

Proposal:

- The Department, in collaboration with the State Board of Education, is seeking an external partnership with a non-profit foundation to support the Ohio Teacher of the Year program.

Eligibility Criteria:

- A minimum of 3 years established as a 501(c)(3) non-profit foundation
- Experience with successful fundraising
- Show multiple sources of funding streams
- Produce clean external financial audits
- Has other established partnerships focused on education
- Has a mission statement that includes equity, diversity and social justice

Application and Award Process General Timeline:

Activity	Timeline
Release program announcement inviting proposals	September 2020
Proposal Window Opens	September 2020
Proposal Window Closes	October 2020
Proposal Review Period	Nov/Dec 2020
Proposals presented to the State Board of Education	February 2021
Proposal Selected and Foundation Notified	February 2021

Minimum Requirements (but not limited to):

- Provide a minimum financial contribution to this program as a lead Partner;
- Publicize partnership and continual recognition of partner role with Ohio Teacher of the Year via print and electronic vehicles at the foundation’s disposal;
- Collect and distribute all outside funds and resources available to the overall OTOY Program;
- Serve as the official partner and fundraising entity of the OTOY program; and
- Serve in an advisory capacity to the OTOY Program as deemed necessary and appropriate.

DEPARTMENT BUDGET REQUEST DISCUSSION: FY2022-2023 BIENNIUM

Budget Work Continues:

- OBM Budget Guidance
- 90% Scenario Specifications
- Continuing Scenario Specifications
- Board Priorities
- Discussion and Next Steps

OBM Guidance:

- GRF requests for FY22/FY23 asked to submit two scenarios: 90 percent scenario and Continuing Scenario.
- Both GRF scenarios are based on reduced FY21 funding levels.
- Non-GRF requests based on estimated revenue.
- Budget submission due October 14th.

Exempt from Consideration

What is exempt from ODE's budget prep:

- Formula related lines and calculations
 - Foundation Funding
 - Transportation Funding
 - Non-Public Funding (Auxiliary Services and Administrative Cost Reimbursement)
 - EdChoice Expansion
 - Half-Mill Equalization
- Lines used for federal Maintenance of Effort requirements.
 - School Lunch Match
 - Special Education Enhancements
 - Career-Tech Enhancements

Baseline Budget Amount:

- Baseline for both scenarios is estimated FY21 spending, after expected GRF reductions.
- Operating budget reduced by \$9.9 million in FY21 compared to enacted appropriation levels.
- Program budgets reduced by \$23.0 million in FY21 compared to enacted appropriation levels.

Budget Control Totals:

- FY21 Baseline: \$7,746,786,710
- 90% Budget Control Total: \$7,725,609,438
- Continuing Budget Control Total:
 - FY22 -\$7,747,183,892
 - FY23 - \$7,748,060,148

90% Scenario Specifications:

- Target: Reduce GRF by \$21.1 million in addition to expected budget reductions for FY21.

90% Scenario Approach:

- Eliminate all legislative earmarks.
- Eliminate one-time expenses.
- Reprioritize resources to limit reductions to program/priority line items to 3.5%
- Reduce operating line items by 10%
- Strive for fairness in how line items are treated.

Board Priorities for Consideration Beyond Continuing Scenario (Appendix A)

Board Priorities:

- Early Childhood Education (Strategy 8)
- Literacy (Strategy 9)
- Effective Teaching and Excellent Instruction (Strategy 1 & 3)
- High School Success and Post-Secondary Connections (Strategy 10) – including Adult Education Programs
- Meeting the Needs of the Whole Child (Strategy 7)
- Program Reductions
 - Assessments
 - Accountability
- Direct Funding for EdChoice Scholarship Program
- ODE Operational Items

Next Steps:

- Continue Discussion
- Finalize Budget Recommendations
- Approve Budget Recommendations and Priorities Statement in October

The State Board recessed for lunch.

LEGISLATIVE REPORT

Senate Bill 358: Continuing to Support Schools during COVID-19

Timeline of Events:

- August 27: SB 358 introduced by Senators Teresa Fedor (D-Toledo) and Nathan Manning (R-North Ridgeville)
- September 2: First Hearing in Senate Education Committee for Sponsor and Proponent Testimony
- September 16: Second Hearing in Senate Education Committee for Opponent and Interested Party Testimony

Major Provisions:

- Extends a number of provisions from HB197 and HB164 through the 2020-2021 school year, including:
 - Requires ODE to request a waiver for federally required state assessments
 - Continues the “freeze” on report card grades and related sanctions
 - Extends flexibility for teacher and administrator evaluations, student promotions under third grade reading guarantee and graduation requirements

Stakeholder Testimony Highlights:

- Proponents include BASA, OASBO, OSBA, OAESA, OASSA, OEA, OFT, other school groups
 - Appreciate extension of changes to teacher/principal evaluations, flexibility to use course grade in place of end of course exam score, waiver from state assessments, freeze on report cards

- Urge additional action on EdChoice to provide relief to districts on the list for Traditional EdChoice program and on Academic Distress Commissions
- Opponents and Interested Parties included Fordham and Ohio Excels
 - Concern with no assessments and no evaluations
 - In favor of pushing pause on report card sanctions/consequences
- ACT and College Board concerned with provision that eliminates administration of ACT/SAT

Developments and Next Steps:

- Secretary of Education Betsy DeVos issued a letter indicating that the federal government is not likely to grant waivers from state testing requirements for the 2020-2021 school year.
- During committee on Sept 16, Chair Lehner previewed several amendments that are under review for possible addition to the bill.

Dyslexia Legislation:

- Senate Bill 102
- Senate Bill 200
- House Bill 436

Major Provisions:

- Requires screening for students and provision of intervention services as needed
- Notification to parents and provision of information about dyslexia
- Development of best practices for professional development and training for teachers to become certified in a structured literacy program
- Requires collaboration with the International Dyslexia Association in Ohio
**HB 436 includes all these provisions, the others include some, but not all*

Stakeholder Testimony Highlights:

- Proponents tout importance of early screening and intervention and need for additional professional development to support teachers.
- Opponents (including BASA, OSBA, OAESA) expressed concerns with the cost to districts of implementing provisions in the bill, including professional development and full certification through structured literacy programs.

Current Status and Next Steps:

- All three bills are currently pending in the Senate Education Committee
- During committee hearing on September 16, Chair Lehner indicated interest in coming to a consensus on provisions to include in a single piece of dyslexia legislation to move forward.

PUBLIC PARTICIPATION ON VOTING AGENDA ITEMS

There was no Public Participation on Voting Agenda Items.

PUBLIC PARTICIPATION ON NON-VOTING AGENDA ITEMS

- 1) Susan Kaeser, Education Specialist, League of Women Voters of Ohio, Cleveland Heights. Ms. Kaeser spoke to the Board in opposition to the Ed-Choice Voucher Program.

- 2) Curtis Weems, Avon Lake. Mr. Weems spoke to the Board in opposition to Item 20 from the July Board meeting and the 1619 Project.
- 3) Ian Rowe, Senior Visiting Fellow, Woodson Center, New York. Mr. Rowe spoke to the Board in response to Item 20 from the July Board meeting and the 1776 Unites movement.
- 4) Dr. John Adams, Chair, Social Studies Department, Cleveland School of Science and Medicine, Cleveland. Dr. Adams spoke to the Board in support of Item 20 from the July meeting of the Board.
- 5) Mike McGovern, President, International Dyslexic Association for Ohio, Westerville. Mr. McGovern spoke to the Board regarding Dyslexia legislation.
- 6) Kathy Johnson, Assistant Ohio State Director for Proclaiming Justice to the Nations. Ms. Johnson spoke to the Board regarding the 1619 Project.
- 7) Deanna Ondrus, Laurie Bahnsen and Kathy Ondrus, Oregon. Ms. Deanna Ondrus spoke to the Board in opposition of Item 20 from the July meeting of the Board.
- 8) Bryan and Janice Snyder, Retired Career Educators, Huntsville. Mr. and Mrs. Snyder spoke to the Board regarding the Black Lives Matter organization and related curriculum.
- 9) Michael Goldstein, State of Ohio Director and General Counsel of Proclaiming Justice to the Nations (PJTN). Mr. Goldstein spoke to the Board regarding the 1619 Project and anti-bias training mandated by the State Board.
- 10) Cheryl Riegger-Krugh, Medina. Ms. Riegger-Krugh spoke to the Board regarding Item 20 from the July meeting of the Board.
- 11) Sue Larimer, Perrysburg. Ms. Larimer submitted written testimony to the Board in opposition to the 1619 Project.
- 12) Marilyn Weems. Ms. Weems submitted written testimony to the Board regarding Item 20 from the July meeting of the Board.

This concludes Public Participation on Non-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 1-7) on the Consent Agenda:

1. **RESOLUTION TO ACCEPT THE PERMANENT VOLUNTARY SURRENDER AND DENIAL OF LICENSES FORM SIGNED BY SHERI A. FOSTER 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 Sheri A. Foster has applied for and/or has been issued a license, permit, or certificate by the Ohio Department of Education; and

WHEREAS on June 17, 2020, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Sheri A. Foster 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. Foster's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.31; and

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

WHEREAS Sheri A. Foster 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** Sheri A. Foster'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. Foster's 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 Sheri A. Foster 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. Foster of this action.

2. **RESOLUTION TO ACCEPT THE PERMANENT VOLUNTARY SURRENDER AND DENIAL OF LICENSES FORM SIGNED BY KATHLEEN J. LEITZY 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 Kathleen J. Leitzky has applied for and/or has been issued a license, permit, or certificate by the Ohio Department of Education; and

WHEREAS on June 24, 2020, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Kathleen J.

Leitzzy 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. Leitzzy's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

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

WHEREAS Kathleen J. Leitzzy 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** Kathleen J. Leitzzy'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. Leitzzy'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 Kathleen J. Leitzzy 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. Leitzzy of this action.

3. **RESOLUTION TO ACCEPT THE PERMANENT VOLUNTARY SURRENDER AND DENIAL OF LICENSES FORM SIGNED BY JESSICA R. LEWIS 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 Jessica R. Lewis has applied for and/or has been issued a license, permit, or certificate by the Ohio Department of Education; and

WHEREAS on July 30, 2020, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Jessica R. Lewis 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. Lewis' decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

WHEREAS the form specifies that Jessica R. Lewis is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

WHEREAS Jessica R. Lewis 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** Jessica R. Lewis' 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. Lewis' 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 Jessica R. Lewis 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. Lewis of this action.

4. **RESOLUTION TO ACCEPT THE PERMANENT VOLUNTARY SURRENDER AND DENIAL OF LICENSES FORM SIGNED BY BENJAMIN J. MCGINNIS 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 Benjamin J. McGinnis has applied for and/or has been issued a license, permit, or certificate by the Ohio Department of Education; and

WHEREAS on June 18, 2020, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Benjamin J. McGinnis 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. McGinnis' decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

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

WHEREAS Benjamin J. McGinnis 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** Benjamin J. McGinnis' 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. McGinnis' 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 Benjamin J. McGinnis 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. McGinnis of this action.

5. **RESOLUTION TO ACCEPT THE PERMANENT VOLUNTARY SURRENDER AND DENIAL OF LICENSES FORM SIGNED BY RICK L. METZGER 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 Rick L. Metzger has applied for and/or has been issued a license, permit, or certificate by the Ohio Department of Education; and

WHEREAS on August 5, 2020, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Rick L. Metzger 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. Metzger's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

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

WHEREAS Rick L. Metzger 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** Rick L. Metzger'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. Metzger'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 Rick L. Metzger 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. Metzger of this action.

6. **RESOLUTION TO ACCEPT THE PERMANENT VOLUNTARY SURRENDER AND DENIAL OF LICENSES FORM SIGNED BY JENNIFER B. PAYNE 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 Jennifer B. Payne has applied for and/or has been issued a license, permit, or certificate by the Ohio Department of Education; and

WHEREAS on July 14, 2020, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Jennifer B. Payne 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. Payne's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

WHEREAS the form specifies that Jennifer B. Payne is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

WHEREAS Jennifer B. Payne 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** Jennifer B. Payne'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. Payne'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 Jennifer B. Payne 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. Payne of this action.

7. **RESOLUTION TO ACCEPT THE PERMANENT VOLUNTARY SURRENDER AND DENIAL OF LICENSES FORM SIGNED BY AMY L. THOMPSON 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 Amy L. Thompson has applied for and/or has been issued a license, permit, or certificate by the Ohio Department of Education; and

WHEREAS on July 14, 2020, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Amy L. Thompson 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. Thompson's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

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

WHEREAS Amy L. Thompson 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** Amy L. Thompson'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. Thompson'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 Amy L. Thompson 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. Thompson of this action.

It was Moved by Mr. Hagan and Seconded by Mrs. Fowler Arthur that the Consent Agenda (Items 1-7) be approved.

President Kohler called for a roll call vote.

YES VOTES

Stephanie Dodd
John Hagan
Kirsten Hill
Laura Kohler
Paul LaRue
Charlotte McGuire
Mike Toal

Sarah Fowler Arthur
Linda Haycock
Jenny Kilgore
Mark Lamoncha
Martha Manchester
Antoinette Miranda
Lisa Woods

Motion carried.

Mrs. Fowler Arthur presented the following recommendation (Item 8):

8. RESOLUTION TO APPROVE CHANGES TO OHIO ADMINISTRATIVE RULES 3301-45-01 THROUGH 3301-45-08 / ADULT HIGH SCHOOL DIPLOMAS (22+ PROGRAM) AND TO APPROVE NEW ADMINISTRATIVE RULES 3301-45-09 AND 3301-45-10

The State Board of Education (“Board”) hereby **APPROVES** changes to Ohio Administrative Code (OAC) 3301-45-01 through 3301-45-08 / Adult High School Diplomas (22+ Program) and **APPROVES** new rules OAC 3301-45-09 and 3301-45-10 as follows:

Ohio Revised Code (ORC) 3317.231 requires the Department of Education to adopt rules regarding the administration of the 22+ Program;

The rules regarding the administration of the 22+ Program pertain to the programs established under ORC 3314.38, 3317.23, 3317.24, and 3345.86;

Changes to these rules will provide new definitions for previously undefined terms, make additions to provider applications and requirements, provide a manner for calculating full-time equivalency, provide clarification regarding performance measures, add provisions for contracting services for 22+ Program administration, and add standards for competency-based education;

OAC 3301-45-05 and 3301-45-06 are to be amended;

OAC 3301-45-01, 3301-45-02, 3301-45-03, 3301-45-04, 3301-45-07, and 3301-45-08 are to be rescinded in their current form and replaced with the rules in the form attached hereto;

OAC 3301-45-09 and 3301-45-10 are to be adopted as new rules;

The Teaching, Leading, and Learning Committee recommended adoption of the rules in the form attached hereto at its March and July 2020 meetings.

NOW, THEREFORE, BE IT RESOLVED, that the Board approves the changes to OAC 3301-45-05 and 3301-45-06 in the form attached hereto, approves the rescission of OAC 3301-45-01, 3301-45-02, 3301-45-03, 3301-45-04, 3301-45-07, and 3301-45-08 and replacement with the rules in the form attached hereto, and

approves the adoption of OAC 3301-45-09 and 3301-45-10 in the form attached hereto.

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 relate.

It was Moved by Mrs. Fowler Arthur that the above recommendation (Item 8) be approved.

President Kohler called for a roll call vote.

YES VOTES

Stephanie Dodd	Sarah Fowler Arthur
John Hagan	Linda Haycock
Kirsten Hill	Meryl Johnson
Jenny Kilgore	Laura Kohler
Mark Lamoncha	Paul LaRue
Martha Manchester	Charlotte McGuire
Antoinette Miranda	Mike Toal
Lisa Woods	

ABSTAIN

Stephen Dackin

Motion carried.

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

- 9. RESOLUTION TO ACCEPT THE PERMANENT VOLUNTARY SURRENDER AND DENIAL OF LICENSES FORM SIGNED BY ELLEN E. GILBERT 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 Ellen E. Gilbert has applied for and/or has been issued a license, permit, or certificate by the Ohio Department of Education; and

WHEREAS on July 6, 2020, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Ellen E. Gilbert 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. Gilbert's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.31; and

WHEREAS the form specifies that Ellen E. Gilbert is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

WHEREAS Ellen E. Gilbert 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** Ellen E. Gilbert'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. Gilbert's 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 Ellen E. Gilbert 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. Gilbert of this action.

It was Moved by Mrs. Fowler Arthur and Seconded by Dr. Kilgore that the above recommendation (Item 9) be approved.

President Kohler called for a roll call vote.

YES VOTES

Stephen Dackin
Sarah Fowler Arthur
Linda Haycock
Meryl Johnson
Laura Kohler
Paul LaRue
Antoinette Miranda
Lisa Woods

Stephanie Dodd
John Hagan
Kirsten Hill
Jenny Kilgore
Mark Lamoncha
Martha Manchester
Mike Toal

ABSTAIN

Charlotte McGuire

Motion carried.

Aaron Ross, Director, Office of Professional Conduct, presented the following recommendation (Item 10):

10. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO DENY THE FIVE-YEAR PROFESSIONAL MULTI AGE TEACHING LICENSE APPLICATION OF JAMES H. AUSTIN

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

WHEREAS James H. Austin has applied for a five-year professional multi age teaching license; and

WHEREAS on August 5, 2019, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified James H. Austin of its intent to deny or permanently deny his application for a five-year professional multi age teaching license 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 Mr. Austin engaging in conduct that is unbecoming to the teaching profession on or about July 3, 2019, when he [redacted in accordance with Ohio law]; and

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

WHEREAS a hearing was held on October 18, 2019; and

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

WHEREAS the hearing officer recommends that Mr. Austin's application for a five-year professional multi age teaching license be denied. Further, the hearing officer recommends that Mr. Austin not be permitted to reapply for any license, certificate, or permit for a period of five years and upon reapplication, he must provide written verification to the Ohio Department of Education that he has completed sixteen hours of training in ethics. The hearing officer's recommendation is based upon Mr. Austin's actions reflecting a pattern of duplicitous, self-serving behaviors that have the potential to negatively impact the welfare of the school community; and

WHEREAS the ten-day deadline to file objections was tolled until July 30, 2020 by Section 22(A) of Am. Sub. H.B. 197; and

WHEREAS Mr. Austin filed objections in accordance with Section 119.09 of the Ohio Revised Code and within the additional time provided by Am. Sub. H.B. No. 197; and

WHEREAS the State Board of Education considered the objections to the hearing officer's report and recommendation which Mr. Austin 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 **DENIES** James H. Austin's application for a five-year professional multi age teaching license based upon [redacted in accordance with Ohio law] and Mr. Austin engaging in conduct that is unbecoming to the teaching profession on or about July 3, 2019, when he [redacted in accordance with Ohio law]. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(a), orders that James H. Austin be ineligible to reapply for any license, permit, or certificate issued by the State Board of Education until on or after September 22, 2025, and upon reapplication, he must submit written verification to the Ohio Department of Education that he has completed, at his own expense, sixteen hours of training in ethics, with the training 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. Austin of this action.

It was Moved by Dr. Kilgore and Seconded by Mrs. Fowler Arthur that the above recommendation (Item 10) be approved.

Mrs. Haycock Moved to amend the resolution by substitution. She proposed a that Mr. Austin be permanently ineligible to reapply for any license, permit, or certificate issued by the State Board of Education. Mr. Dackin Seconded the motion.

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

YES VOTES

Stephen Dackin
Sarah Fowler Arthur
Linda Haycock
Jenny Kilgore
Paul LaRue
Antoinette Miranda
Lisa Woods

Stephanie Dodd
John Hagan
Meryl Johnson
Mark Lamoncha
Martha Manchester
Eric Poklar

NO VOTES

Kirsten Hill
Mike Toal

Charlotte McGuire
Laura Kohler

Motion carried.

Resolution as amended:

10. RESOLUTION TO MODIFY THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER, TO REJECT THE RECOMMENDATION OF

THE HEARING OFFICER, AND TO DENY PERMANENTLY THE FIVE-YEAR PROFESSIONAL MULTI AGE TEACHING LICENSE APPLICATION OF JAMES H. AUSTIN

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

WHEREAS James H. Austin has applied for a five-year professional multi age teaching license; and

WHEREAS on August 5, 2019, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified James H. Austin of its intent to deny or permanently deny his application for a five-year professional multi age teaching license 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 Mr. Austin engaging in conduct that is unbecoming to the teaching profession on or about July 3, 2019, when he [redacted in accordance with Ohio law]; and

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

WHEREAS a hearing was held on October 18, 2019; and

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

WHEREAS the hearing officer recommends that Mr. Austin's application for a five-year professional multi age teaching license be denied. Further, the hearing officer recommends that Mr. Austin not be permitted to reapply for any license, certificate, or permit for a period of five years and upon reapplication, he must provide written verification to the Ohio Department of Education that he has completed sixteen hours of training in ethics. The hearing officer's recommendation is based upon Mr. Austin's actions reflecting a pattern of duplicitous, self-serving behaviors that have the potential to negatively impact the welfare of the school community; and

WHEREAS the ten-day deadline to file objections was tolled until July 30, 2020 by Section 22(A) of Am. Sub. H.B. 197; and

WHEREAS Mr. Austin filed objections in accordance with Section 119.09 of the Ohio Revised Code and within the additional time provided by Am. Sub. H.B. No. 197; and

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

WHEREAS the State Board of Education rejects the following portions of the hearing officer's Report and Recommendation: reject in its entirety the Recommendation section of the Summary Fact Sheet; reject in its entirety the last full paragraph of the Executive Summary section of the Report and Recommendation; reject in its entirety Conclusion of Law numbered twenty of the Report and Recommendation; and reject in its entirety 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 of Education may determine that a penalty outside the range of 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 of Education considers relevant; and

WHEREAS the State Board of Education finds that the administrative record identifies the following aggravating factors: *[redacted in accordance with Ohio law]*; and

WHEREAS the State Board of Education concludes that the hearing officer erred when she did not give the preceding facts and aggravating factors the weight they deserved when she made her recommendation; and

WHEREAS the State Board of Education concludes, that based on the aggravating factors in this case, a more appropriate sanction would be to permanently deny Mr. Austin's license application 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 the following portions of the hearing officer's Report and Recommendation: reject in its entirety the Recommendation section of the Summary Fact Sheet; reject in its entirety the last full paragraph of the Executive Summary section of the Report and Recommendation; reject in its entirety Conclusion of Law numbered twenty of the Report and Recommendation; and reject in its entirety 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 of Education finds that the administrative record identifies the following aggravating factors: *[redacted in accordance with Ohio law]*; and, Be It Further

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

RESOVLED, That the State Board of Education concludes, that based on the aggravating factors in this case, a more appropriate sanction would be to

permanently deny Mr. Austin's license application 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 [redacted in accordance with Ohio law], hereby **DENIES** James H. Austin's application for a five-year professional multi age teaching license based upon [redacted in accordance with Ohio law] and Mr. Austin engaging in conduct that is unbecoming to the teaching profession on or about July 3, 2019, when he [redacted in accordance with Ohio law]. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders that James H. Austin be permanently ineligible to reapply 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. Austin of this action.

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

YES VOTES

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

NO VOTES

Charlotte McGuire

Motion carried.

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

11. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE THE FIVE-YEAR SUBSTITUTE CAREER TECHNICAL TEACHING LICENSE OF DONALD E. BENNETT

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

WHEREAS Donald E. Bennett holds a five-year substitute career technical teaching license issued in 2017; and

WHEREAS on October 11, 2019, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Donald E. Bennett of its intent to determine whether to limit, suspend, revoke, or permanently revoke his five-

year substitute career technical teaching license issued in 2017 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Bennett engaging in the following conduct that is unbecoming to the teaching profession: on or about November 7, 2017, Mr. Bennett had an inappropriate verbal and physical interaction with a student that included him putting his hands on the student and/or the student's shirt collar and threatening to stab the student; 2008 dismissal in the Portsmouth Municipal Court after Mr. Bennett successfully completed a first offenders program relating to the charge of one misdemeanor count of sale of alcohol to underage persons; 1997 conviction in the Portsmouth Municipal Court for one minor misdemeanor count of disorderly conduct; and 1992 plea of no contest in the Circuit Court of the Second Judicial Circuit for Gadsden County, Florida to one misdemeanor count of cultivation of cannabis, for which adjudication was withheld; and

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

WHEREAS a hearing was held on February 11, 2020; and

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

WHEREAS the hearing officer recommends that Mr. Bennett's license be revoked and that he not be permitted to reapply for any license, certificate, or permit for a period of one year and that prior to reapplication, he must complete eight hours of classroom management training and an anger management training class. The hearing officer's recommendation is based upon Mr. Bennett engaging in conduct that was unnecessary, unprofessional and unbecoming to the teaching profession, when he grabbed a student by the neck and threatened to stab the student, and that, without further intervention, Mr. Bennett's licensure continued licensure would negatively impact the school community; and

WHEREAS the State Board of Education considered the objections to the hearing officer's report and recommendation which Mr. Bennett 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), hereby **REVOKES** Donald E. Bennett's five-year substitute career technical teaching license issued in 2017 based upon Mr. Bennett engaging in the following conduct that is unbecoming to the teaching profession: on or about November 7, 2017, Mr. Bennett had an inappropriate verbal and physical interaction with a student that included him putting his hands on the student and/or the student's shirt collar and threatening to stab the student. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that Donald E. Bennett be ineligible to reapply for any license, permit, or certificate issued by the State Board of Education until on or after September 21, 2021, and upon reapplication, Mr. Bennett must provide written verification to the Ohio Department of Education that he has successfully completed, at his own expense, eight hours of classroom management training

and an anger management training class, with the training 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. Bennett of this action.

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

President Kohler called for a roll call vote.

YES VOTES

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

Motion carried.

Aaron Ross, Director, Office of Professional Conduct, presented the following recommendation (Item 12):

12. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO SUSPEND THE FIVE-YEAR PUPIL ACTIVITY PERMIT OF COURTNEY M. DONATI

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

WHEREAS Courtney M. Donati holds a five-year pupil activity permit issued in 2016; and

WHEREAS on July 2, 2019, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Courtney M. Donati of its intent to determine whether to limit, suspend, revoke, or permanently revoke her five-year pupil activity permit issued in 2016 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Donati engaging in conduct that is unbecoming to the teaching profession on or about September 2016 through May 2017, when she falsified and/or intentionally misrepresented information regarding the evaluation of students, specifically, she reported grades for two students for courses in which they were not enrolled. Further, the notice included as an aggravating factor that on or about September 30, 2016, Ms. Donati received a letter of reprimand from Brookville High School for failing to follow appropriate procedures as an ACT test coordinator; and

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

WHEREAS a hearing was held on October 30, 2019; and

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

WHEREAS the hearing officer recommends that Ms. Donati's permit be suspended through its expiration date of June 30, 2021. Further, the hearing office recommends that Ms. Donati be ineligible to apply for any license, permit, or certificate issued by the Board of Education until on or after June 30, 2024, and that prior to reapplication, she must provide written verification to the Ohio Department of Education that she has completed, at her own expense, eight hours of ethics and professionalism training that has been preapproved by the Ohio Department of Education. The hearing officer's recommendation is based upon the negative impact Ms. Donati's licensure would have on the welfare of the school community and the statewide education community if she continues to work in the education field without realizing the negative impact she has had and could continue to have on students; 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 **SUSPENDS** Courtney M. Donati's five-year pupil activity permit issued in 2016 from September 21, 2020 through June 30, 2021 based upon Ms. Donati engaging in conduct that is unbecoming to the teaching profession on or about September 2016 through May 2017, when she falsified and/or intentionally misrepresented information regarding the evaluation of students, specifically, she reported grades for two students for courses in which they were not enrolled. Pursuant to Ohio Administrative Code Rule 3301-73-21(B), the State Board of Education further considers in aggravation that on or about September 30, 2016, Ms. Donati received a letter of reprimand from Brookville High School for failing to follow appropriate procedures as an ACT test coordinator. Further, the State Board of Education orders that Courtney M. Donati be ineligible to reapply for any license, permit, or certificate issued by the State Board of Education until on or after June 30, 2024, and upon reapplication, she must submit written verification to the Ohio Department of Education that she has completed, at her own expense, eight hours of training in ethics and professionalism, with the training 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 Ms. Donati of this action.

It was Moved by Mrs. Fowler Arthur and Seconded by Mrs. Hill that the above recommendation (Item 12) be approved.

Mrs. Haycock Moved to amend by substitution. She proposed that Ms. Donati be ineligible to reapply for any license, permit, or certificate issued by the State Board of Education until on or after June 30, 2024, and within 90 days of reapplication, she must complete, at her own expense, eight hours of training in ethics and professionalism and a fitness to teach evaluation by a licensed psychologist or psychiatrist, with the training and the licensed evaluator to be approved in advance by the Ohio Department of Education. Ms. Johnson Seconded the motion. She proposed this amendment so that training would be completed within 90 days of reapplication.

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

YES VOTES

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

Motion carried.

Resolution as amended:

12. RESOLUTION TO MODIFY THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER AND TO SUSPEND THE FIVE-YEAR PUPIL ACTIVITY PERMIT OF COURTNEY M. DONATI

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

WHEREAS Courtney M. Donati holds a five-year pupil activity permit issued in 2016; and

WHEREAS on July 2, 2019, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Courtney M. Donati of its intent to determine whether to limit, suspend, revoke, or permanently revoke her five-year pupil activity permit issued in 2016 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Donati engaging in conduct that is unbecoming to the teaching profession on or about September 2016 through May 2017, when she falsified and/or intentionally misrepresented information regarding the evaluation of students, specifically, she reported grades for two students for courses in which they were not enrolled. Further, the notice included as an aggravating factor that on or about September 30, 2016, Ms. Donati received a letter of reprimand from Brookville High School for failing to follow appropriate procedures as an ACT test coordinator; and

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

WHEREAS a hearing was held on October 30, 2019; and

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

WHEREAS the hearing officer recommends that Ms. Donati's permit be suspended through its expiration date of June 30, 2021. Further, the hearing office recommends that Ms. Donati be ineligible to apply for any license, permit, or certificate issued by the Board of Education until on or after June 30, 2024, and that prior to reapplication, she must provide written verification to the Ohio Department of Education that she has completed, at her own expense, eight hours of ethics and professionalism training that has been preapproved by the Ohio Department of Education. The hearing officer's recommendation is based upon the negative impact Ms. Donati's licensure would have on the welfare of the school community and the statewide education community if she continues to work in the education field without realizing the negative impact she has had and could continue to have on students; 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

WHEREAS the State Board of Education has considered the hearing officer's Report and Recommendation; and

WHEREAS the State Board of Education modifies the following portions of the hearing officer's Report and Recommendation: modify the Recommendation section of the Summary Fact Sheet by adding the following language to the end of the last sentence: "and a fitness to teach evaluation by a licensed psychologist or psychiatrist who is pre-approved by the Ohio Department of Education"; and modify the Recommendation section of the Report and Recommendation by adding the following language to the end of the last sentence: "and a fitness to teach evaluation by a licensed psychologist or psychiatrist who is pre-approved by the Ohio Department of Education"; 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 of Education finds that the administrative record identifies the following aggravating factors: Ms. Donati's failure to request a hearing or provide evidence in this matter means that there is no evidence in the record as to whether she understands the gravity of her misconduct, whether she is remorseful and whether she can assure that her misconduct will not occur again; the evidence indicates that Ms. Donati was experiencing personal problems that may have played a part in her misconduct, but there is no evidence in the record to demonstrate that Ms. Donati has addressed these issues; and Ms.

Donati's licensure will negatively impact the welfare of the school community and statewide education community if she continues to work in the education field without realizing the negative impact she had and could continue to have on students if she does not receive further intervention; and

WHEREAS the State Board of Education concludes that the hearing officer erred when she did not give the preceding facts and aggravating factors the weight they deserved when she made her recommendation; and

WHEREAS the State Board of Education concludes, that based on the aggravating factors in this case, a more appropriate sanction would be to add a requirement that Ms. Donati complete a fitness to teach evaluation by a licensed psychologist or psychiatrist in addition to the requirement that she complete training in ethics and professionalism: Therefore, Be It

RESOLVED, That the State Board of Education modifies the following portions of the hearing officer's Report and Recommendation: modify the Recommendation section of the Summary Fact Sheet by adding the following language to the end of the last sentence: "and a fitness to teach evaluation by a licensed psychologist or psychiatrist who is pre-approved by the Ohio Department of Education"; and modify the Recommendation section of the Report and Recommendation by adding the following language to the end of the last sentence: "and a fitness to teach evaluation by a licensed psychologist or psychiatrist who is pre-approved by the Ohio Department of Education"; and, Be It Further

RESOLVED, That the State Board of Education finds that the administrative record identifies the following aggravating factors: Ms. Donati's failure to request a hearing or provide evidence in this matter means that there is no evidence in the record as to whether she understands the gravity of her misconduct, whether she is remorseful and whether she can assure that her misconduct will not occur again; the evidence indicates that Ms. Donati was experiencing personal problems that may have played a part in her misconduct, but there is no evidence in the record to demonstrate that Ms. Donati has addressed these issues; and Ms. Donati's licensure will negatively impact the welfare of the school community and statewide education community if she continues to work in the education field without realizing the negative impact she had and could continue to have on students if she does not receive further intervention; and, Be It Further

RESOLVED, That the State Board of Education concludes that the hearing officer erred when she 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 of Education concludes, that based on the aggravating factors in this case, a more appropriate sanction would be to add a requirement that Ms. Donati complete a fitness to teach evaluation by a licensed psychologist or psychiatrist in addition to the requirement that she complete training in ethics and professionalism; and Be It Further

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **SUSPENDS** Courtney M. Donati's five-year pupil activity permit issued in 2016 from September 21, 2020 through June 30, 2021 based upon Ms. Donati engaging in conduct that is unbecoming to the teaching profession on or about September 2016 through May 2017, when she falsified and/or intentionally misrepresented information regarding the evaluation of

students, specifically, she reported grades for two students for courses in which they were not enrolled. Pursuant to Ohio Administrative Code Rule 3301-73-21(B), the State Board of Education further considers in aggravation that on or about September 30, 2016, Ms. Donati received a letter of reprimand from Brookville High School for failing to follow appropriate procedures as an ACT test coordinator. Further, the State Board of Education orders that Courtney M. Donati be ineligible to reapply for any license, permit, or certificate issued by the State Board of Education until on or after June 30, 2024, and within 90 days of reapplication, she must complete, at her own expense, eight hours of training in ethics and professionalism and a fitness to teach evaluation by a licensed psychologist or psychiatrist, with the training and the licensed evaluator 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 Ms. Donati of this action.

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

YES VOTES

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

Motion carried.

Aaron Ross, Director, Office of Professional Conduct, presented the following recommendation (Item 13):

**13. RESOLUTION TO REVOKE PERMANENTLY THE ONE-YEAR
SUBSTITUTE CAREER TECHNICAL TEACHING LICENSE OF JUSTIN
W. GRUNDY**

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

WHEREAS Justin W. Grundy held a one-year substitute career technical teaching license issued in 2018; and

WHEREAS on February 7, 2020, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Justin W. Grundy of its intent to determine whether to limit, suspend, revoke, or permanently revoke his one-year substitute career technical teaching license issued in 2018 pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(b). The notice was based upon Mr. Grundy's 2019 conviction in the Stow Municipal Court for one misdemeanor count of assault and one misdemeanor count of menacing; and

WHEREAS the notice informed Mr. Grundy that if he fails within thirty days to request a hearing in accordance with Section 119.07 of the Ohio Revised Code, the State Board of Education will proceed to determine whether to limit, suspend, revoke, or permanently revoke his one-year substitute career technical teaching license issued in 2018; and

WHEREAS the thirty-day deadline to request a hearing was tolled until July 30, 2020 by Section 22(A) of Am. Sub. H.B. No. 197; and

WHEREAS Justin W. Grundy did not request a hearing in accordance with Section 119.07 of the Ohio Revised Code and within the additional time provided by Am. Sub. H.B. No. 197; and

WHEREAS the State Board of Education has reviewed the affidavit of the director of the Office of Professional Conduct, the State Board of Education's Notice of Opportunity for Hearing, certified court records from the Stow Municipal Court and certified police records from the Twinsburg 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 Ohio 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)(b), hereby **REVOKES** Justin W. Grundy's one-year substitute career technical teaching license issued in 2018 based upon Mr. Grundy's 2019 conviction in the Stow Municipal Court for one misdemeanor count of assault and one misdemeanor count of menacing. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders that Justin W. Grundy 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. Grundy of this action.

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

President Kohler called for a roll call vote.

YES VOTES

Stephen Dackin
Sarah Fowler Arthur
Linda Haycock
Meryl Johnson
Laura Kohler
Paul LaRue
Charlotte McGuire
Eric Poklar
Lisa Woods

Stephanie Dodd
John Hagan
Kirsten Hill
Jenny Kilgore
Mark Lamoncha
Martha Manchester
Antoinette Miranda
Mike Toal

Motion carried.

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

14. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE THE FOUR-YEAR RESIDENT EDUCATOR EARLY CHILDHOOD TEACHING LICENSE OF NICOLE L. LEIBSLA

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

WHEREAS Nicole L. Leibsla held a four-year resident educator early childhood teaching license issued in 2013; and

WHEREAS on January 7, 2019, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Nicole L. Leibsla of its intent to determine whether to limit, suspend, revoke, or permanently revoke her four-year resident educator early childhood teaching license issued in 2013 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Leibsla engaging in conduct that is unbecoming to the teaching profession on or about March 2017, when she provided improper assistance by verbally prompting a student during the 2017 administration of the Ohio English Language Proficiency Assessment; and

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

WHEREAS a hearing was held on October 8, 2019; and

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

WHEREAS the hearing officer recommends that Ms. Leibsla's license be revoked and that she not be permitted to reapply for any license, certificate, or permit for a period of one year. The hearing officer's recommendation is based upon Ms. Leibsla engaging in academic fraud and conduct that negatively reflected on the teaching profession when she improperly assisted a student while administering the Ohio English Language Proficiency Assessment by verbally providing assessment responses to two questions; 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** Nicole L. Leibsla's four-year resident educator early childhood teaching license issued in 2013 based upon Ms. Leibsla engaging in conduct that is unbecoming to the teaching profession on or about March 2017, when she provided improper assistance by verbally prompting a student during the 2017 administration of the Ohio English Language Proficiency Assessment. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that Nicole L. Leibsla be ineligible to reapply for any license, permit, or certificate issued by the State Board of Education until on or after September 21, 2021; and, Be It Further

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

It was Moved by Mrs. McGuire and Seconded by Dr. Miranda that the above recommendation (Item 14) be approved.

President Kohler called for a roll call vote.

YES VOTES

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

Motion carried.

Aaron Ross, Director, Office of Professional Conduct, presented the following recommendation (Item 15):

- 15. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO DENY PERMANENTLY THE FOUR-YEAR RESIDENT EDUCATOR INTERVENTION SPECIALIST TEACHING LICENSE APPLICATION AND TO REVOKE PERMANENTLY THE THREE-YEAR PUPIL ACTIVITY PERMIT OF KAYLA J. MCKNIGHT**

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

WHEREAS Kayla J. McKnight has applied for a four-year resident educator intervention specialist teaching license and holds a three-year pupil activity permit issued in 2017; and

WHEREAS on February 14, 2019, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Kayla J. McKnight of its intent to deny or permanently deny her application for a four-year resident educator intervention specialist teaching license, and to limit, suspend, revoke, or permanently revoke her three-year pupil activity permit issued in 2017 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. McKnight engaging in conduct that is unbecoming to the teaching profession on or about August 11, 2018, when she submitted falsified Ohio Assessments for Educator test score reports to the Ohio Department of Education in support of her licensure application. Specifically, Ms. McKnight submitted a falsified score report in the following subject areas: Assessment of Professional Knowledge: Multi Age (PK-12); Foundations of Reading; and Special Education; and

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

WHEREAS a hearing was held on November 5, 2019; and

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

WHEREAS the hearing officer recommends that Ms. McKnight's application for a four-year resident educator intervention specialist teaching license be denied and her three-year pupil activity permit issued in 2017 be revoked. Further, the hearing officer recommends that Ms. McKnight 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 Ms. McKnight willfully and intentionally misrepresenting her test scores in order to secure a teaching license, attempting to mislead the Department of Education and Kent State University, and engaging in actions that were dishonest, unethical, and lacking in integrity; 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** Kayla J. McKnight's application for a four-year resident educator intervention specialist teaching license and **REVOKES** her three-year pupil activity permit issued in 2017 based upon Ms. McKnight engaging in conduct that is unbecoming to the teaching profession on or about August 11, 2018, when she submitted falsified Ohio Assessments for Educator test score reports to the Ohio Department of Education in support of her licensure application. Specifically, Ms. McKnight submitted a falsified score report in the following subject areas: Assessment of Professional Knowledge: Multi Age (PK-12); Foundations of Reading; and Special Education. Further, the State Board of

Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders Kayla J. McKnight 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. McKnight of this action.

It was Moved by Mrs. Fowler Arthur and Seconded by Mrs. McGuire that the above recommendation (Item 15) be approved.

President Kohler called for a roll call vote.

YES VOTES

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

Motion carried.

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

16. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO ISSUE AND SUSPEND THE FIVE-YEAR PROFESSIONAL INTERVENTION SPECIALIST TEACHING LICENSE APPLICATION OF MARY L. QUERY

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

WHEREAS Mary L. Query has applied for a five-year professional intervention specialist teaching license; and

WHEREAS on April 16, 2019, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Mary L. Query of its intent to deny or permanently deny her application for a five-year professional intervention specialist teaching license pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(c). The notice was based upon Ms. Query's 2018 conviction in the Miamisburg Municipal Court for one misdemeanor count of unauthorized use of property. Further, the notice included the following aggravating factors: on or about April 8, 2016, Ms. Query was disciplined by the State Board of Education when she entered into a consent agreement relating to

her 2015 conviction in the Springdale Mayor's Court for one misdemeanor count of theft, and on or about October 31, 2000, Ms. Query was disciplined by the State Board of Education when she entered into a consent agreement relating to her 1984 conviction in the Hamilton County Municipal Court for one misdemeanor count of petty theft, 1989 conviction in the Hamilton County Municipal Court for one misdemeanor count of petty theft, and 1998 conviction in the Mason Municipal Court for one misdemeanor count of petty theft; and

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

WHEREAS a hearing was held on January 23, 2020; and

WHEREAS Ms. Query was present at the hearing, and she was represented by counsel; and

WHEREAS the hearing officer recommends that State Board of Education grant Ms. Query's pending application for a five-year professional intervention specialist teaching license and then suspend the license for a period of one year with all but six months stayed provided Ms. Query submits proof to the Ohio Department of Education that she continues to regularly attend meetings of the adult children of alcoholics, regularly receives psychiatric or psychological treatment, submits a criminal background check to ensure that she has not engaged in any criminal activity since her April 2018 conviction, and submits to a fitness to teach evaluation by a licensed clinical psychologist and/or psychiatrist approved by the Ohio Department of Education, all at Ms. Query's own expense. The hearing officer's recommendation is based upon Ms. Query engaging in conduct that is unbecoming to the teaching profession by virtue of her conviction, but finding in mitigation that neither her 2018 conviction nor her prior convictions had any effect on her teaching, co-workers, or students, nor did any school district suffer as a result of her actions, there not appearing to be a nexus between Ms. Query's misconduct and her teaching, and Ms. Query appearing to be worthy of one last chance; 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)(c), hereby **ISSUES** Mary L. Query's application for a five-year professional intervention specialist teaching license and **SUSPENDS** the license from September 21, 2020 through September 21, 2021 with all but six months stayed with the six month suspension to run from September 21, 2020 through February 21, 2021, provided Ms. Query submits written verification to the Ohio Department of Education, on a schedule to be determined by the Ohio Department of Education, that she continues to regularly attend meetings of the adult children of alcoholics and regularly receives psychiatric or psychological treatment. Further, Ms. Query must submit to the Ohio Department of Education the results of a criminal background check establishing that she has not engaged in any criminal activity since her April 2018 conviction and complete a fitness to teach evaluation and any recommendations conducted by a licensed psychologist or psychiatrist who is approved in advance by the Ohio Department of Education,

with all requirements to be completed at Ms. Query's own expense. The suspension is based upon Ms. Query's 2018 conviction in the Miamisburg Municipal Court for one misdemeanor count of unauthorized use of property. Pursuant to Ohio Administrative Code Rule 3301-73-21(B), the State Board of Education further considers in aggravation that on or about April 8, 2016, Ms. Query was disciplined by the State Board of Education when she entered into a consent agreement relating to her 2015 conviction in the Springdale Mayor's Court for one misdemeanor count of theft, and on or about October 31, 2000, Ms. Query was disciplined by the State Board of Education when she entered into a consent agreement relating to her 1984 conviction in the Hamilton County Municipal Court for one misdemeanor count of petty theft, 1989 conviction in the Hamilton County Municipal Court for one misdemeanor count of petty theft, and 1998 conviction in the Mason Municipal Court for one misdemeanor count of petty theft; 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 Ms. Query's application. Further, if said terms and conditions have not been fulfilled completely upon Ms. Query 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 Ms. Query of this action.

It was Moved by Dr. Miranda and Seconded by Mrs. Fowler Arthur that the above recommendation (Item 16) be approved.

Mrs. Haycock Moved to amend the resolution by substitution. She proposed that Ms. Query be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education. Ms. Johnson Seconded the motion. Mrs. Haycock stated Ms. Query had two consent agreements, both of which were broken and Ms. Query could be potentially harmful to students in the classroom.

Mrs. Fowler Arthur stated the record supports the proposed amendment by Mrs. Haycock.

It was acknowledged there was a typographical error that read "permanently eligible" in the Resolved clause and this would be changed to "permanently ineligible."

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

YES VOTES

Stephen Dackin
Sarah Fowler Arthur
Linda Haycock
Meryl Johnson
Laura Kohler
Paul LaRue
Charlotte McGuire

Stephanie Dodd
John Hagan
Kirsten Hill
Jenny Kilgore
Mark Lamoncha
Martha Manchester
Antoinette Miranda

Eric Poklar
Lisa Woods

Mike Toal

Motion carried.

Resolution as amended:

16. RESOLUTION TO MODIFY THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER, TO REJECT THE RECOMMENDATION OF THE HEARING OFFICER, AND TO DENY PERMANENTLY THE FIVE-YEAR PROFESSIONAL INTERVENTION SPECIALIST TEACHING LICENSE APPLICATION OF MARY L. QUERY

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

WHEREAS Mary L. Query has applied for a five-year professional intervention specialist teaching license; and

WHEREAS on April 16, 2019, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Mary L. Query of its intent to deny or permanently deny her application for a five-year professional intervention specialist teaching license pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(c). The notice was based upon Ms. Query's 2018 conviction in the Miamisburg Municipal Court for one misdemeanor count of unauthorized use of property. Further, the notice included the following aggravating factors: on or about April 8, 2016, Ms. Query was disciplined by the State Board of Education when she entered into a consent agreement relating to her 2015 conviction in the Springdale Mayor's Court for one misdemeanor count of theft, and on or about October 31, 2000, Ms. Query was disciplined by the State Board of Education when she entered into a consent agreement relating to her 1984 conviction in the Hamilton County Municipal Court for one misdemeanor count of petty theft, 1989 conviction in the Hamilton County Municipal Court for one misdemeanor count of petty theft, and 1998 conviction in the Mason Municipal Court for one misdemeanor count of petty theft; and

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

WHEREAS a hearing was held on January 23, 2020; and

WHEREAS Ms. Query was present at the hearing, and she was represented by counsel; and

WHEREAS the hearing officer recommends that State Board of Education grant Ms. Query's pending application for a five-year professional intervention specialist teaching license and then suspend the license for a period of one year with all but six months stayed provided Ms. Query submits proof to the Ohio Department of Education that she continues to regularly attend meetings of the adult children of alcoholics, regularly receives psychiatric or psychological treatment, submits a criminal background check to ensure that she has not engaged in any criminal activity since her April 2018 conviction, and submits to a fitness to teach evaluation by a licensed clinical psychologist and/or psychiatrist approved by the Ohio Department of Education, all at Ms. Query's own expense.

The hearing officer's recommendation is based upon Ms. Query engaging in conduct that is unbecoming to the teaching profession by virtue of her conviction, but finding in mitigation that neither her 2018 conviction nor her prior convictions had any effect on her teaching, co-workers, or students, nor did any school district suffer as a result of her actions, there not appearing to be a nexus between Ms. Query's misconduct and her teaching, and Ms. Query appearing to be worthy of one last chance; 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 has considered the hearing officer's report and recommendation; and

WHEREAS the State Board of Education rejects the following portions of the hearing officer's Report and Recommendation: reject in its entirety the Recommendation Section of the Summary Fact Sheet; reject in its entirety the ninth bullet under Conclusion of Law numbered 10 that begins, "Whether employment or licensure will have a negative impact on the local education community or state-wide community...;" reject in its entirety Conclusion of Law numbered 17; reject in its entirety the last sentence on page 15 that begins, "There definitely seems to be a pattern of behavior..."; reject in its entirety the last paragraph on page 16 before the Recommendation section of the Report and Recommendation that begins, "While Ms. Query is guilty of educator conduct by virtue of her conviction;" and reject in its entirety 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 of Education may determine that a penalty outside the range of 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 of Education considers relevant; and

WHEREAS the State Board of Education finds that the administrative record identifies the following aggravating factors: the nature and seriousness of Ms. Query's conduct includes four theft-related offenses spanning over three decades and prior disciplinary actions with the State Board of Education in the form of two consent agreements in 2000 and 2016 respectively; and Ms. Query was then convicted of a fifth theft-related offense after deliberately stealing jewelry and a blouse; and this fifth offense occurred approximately two years after her 2015 conviction and 2016 consent agreement; and

WHEREAS the State Board of Education recognizes there are mitigating factors present in this case, but concludes the hearing officer erred when she did not give the preceding facts and aggravating factors the weight they deserved when she made her recommendation. The State Board also concludes that the hearing officer erred when she found that Ms. Query's continued employment or licensure

would not have a negative impact on the local education community or the state wide education community given that an educator's actions directly reflect on the status and substance of the education profession and committing a crime after entering into two consent agreements based upon criminal convictions reflects negatively on the teaching profession and is not conduct desired of educators serving as role models for students; and

WHEREAS the State Board of Education concludes that based upon the ongoing nature of Ms. Query's conduct and that Ms. Query has already been given two chances to correct her conduct, a more appropriate sanction would be to permanently deny Ms. Query's license and prohibit her from reapplying 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 Recommendation Section of the Summary Fact Sheet; reject in its entirety the ninth bullet under Conclusion of Law numbered 10 on that begins, "Whether employment or licensure will have a negative impact on the local education community or state-wide community...;" reject in its entirety Conclusion of Law numbered 17; reject in its entirety the last sentence on page 15 that begins, "There definitely seems to be a pattern of behavior..."; reject in its entirety the last paragraph on page 16 before the Recommendation section of the Report and Recommendation that begins, "While Ms. Query is guilty of educator conduct by virtue of her conviction;" and reject in its entirety 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 of Education finds that the administrative record identifies the following aggravating factors: the nature and seriousness of Ms. Query's conduct includes four theft-related offenses spanning over three decades and prior disciplinary actions with the State Board of Education in the form of two consent agreements in 2000 and 2016 respectively; and Ms. Query was then convicted of a fifth theft-related offense after deliberately stealing jewelry and a blouse; and this fifth offense occurred approximately two years after her 2015 conviction and 2016 consent agreement; and

RESOLVED, That the State Board of Education recognizes there are mitigating factors present in this case, but concludes the hearing officer erred when she did not give the preceding facts and aggravating factors the weight they deserved when she made her recommendation. The State Board also concludes that the hearing officer erred when she found that Ms. Query's continued employment or licensure would not have a negative impact on the local education community or the state wide education community given that an educator's actions directly reflect on the status and substance of the education profession and committing a crime after entering into two consent agreements based upon criminal convictions reflects negatively on the teaching profession and is not conduct desired of educators serving as role models for students; and, Be It Further

RESOLVED, That the State Board of Education concludes that based upon the ongoing nature of Ms. Query's conduct and that Ms. Query has already been given two chances to correct her conduct, a more appropriate sanction would be to

permanently deny Ms. Query's license and prohibit her from reapplying 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) and (B)(2)(c), hereby **DENIES** Mary L. Query's application for a five-year professional intervention specialist teaching license based upon Ms. Query's 2018 conviction in the Miamisburg Municipal Court for one misdemeanor count of unauthorized use of property. Pursuant to Ohio Administrative Code Rule 3301-73-21(B), the State Board of Education further considers in aggravation that on or about April 8, 2016, Ms. Query was disciplined by the State Board of Education when she entered into a consent agreement relating to her 2015 conviction in the Springdale Mayor's Court for one misdemeanor count of theft, and on or about October 31, 2000, Ms. Query was disciplined by the State Board of Education when she entered into a consent agreement relating to her 1984 conviction in the Hamilton County Municipal Court for one misdemeanor count of petty theft, 1989 conviction in the Hamilton County Municipal Court for one misdemeanor count of petty theft, and 1998 conviction in the Mason Municipal Court for one misdemeanor count of petty theft. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b) orders that Mary L. Query 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. Query of this action.

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

YES VOTES

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

Motion carried.

Aaron Ross, Director, Office of Professional Conduct, presented the following recommendation (Item 17):

17. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE PERMANENTLY THE THREE-YEAR PUPIL ACTIVITY PERMIT OF PAUL W. SHOEMAKER

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

WHEREAS Paul W. Shoemaker held a three-year pupil activity permit issued in 2015; and

WHEREAS on March 26, 2019, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Paul W. Shoemaker of its intent to determine whether to limit, suspend, revoke, or permanently revoke his three-year pupil activity permit issued in 2015 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Shoemaker engaging in the following conduct that is unbecoming to the teaching profession: on or about October 15, 2017, Mr. Shoemaker used technology to promote inappropriate communications with Student 1, specifically by sending messages to Student 1 via Instagram starting at approximately 9:56PM and in these messages implying that Student 1 had accidentally sent him an inappropriate picture that "no one should know" was sent to him and telling Student 1, "I will not say anything"; on or about October 2017, Mr. Shoemaker lied during the course of an investigation when he indicated to school administrators that Student 2 sent the Instagram messages to Student 1, when in fact, Mr. Shoemaker sent those messages; and on or about the summer of 2014, Mr. Shoemaker used technology to promote inappropriate communications with Student 3, specifically by sending Facebook messages to Student 3 that included Mr. Shoemaker discussing partying and alcohol with Student 3 and telling Student 3 that he could show Student 3 a good time; and

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

WHEREAS a hearing was held on January 16, 2020; and

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

WHEREAS the hearing officer recommends that Mr. Shoemaker'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. Shoemaker's predatory solicitation of an inappropriate relationship with two high school students and using another student to try and cover up one of the acts of 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 **REVOKES** Paul W. Shoemaker's three-year pupil activity permit issued in 2015 based upon Mr. Shoemaker engaging in the following conduct that is unbecoming to the teaching profession: on or about October 15, 2017, Mr. Shoemaker used technology to promote inappropriate communications with Student 1, specifically by sending messages to Student 1 via Instagram starting at approximately 9:56PM and in these messages implying that Student 1 had accidentally sent him an inappropriate picture that "no one should know" was sent to him and telling Student 1, "I will not say anything"; on or about October

2017, Mr. Shoemaker lied during the course of an investigation when he indicated to school administrators that Student 2 sent the Instagram messages to Student 1, when in fact, Mr. Shoemaker sent those messages; and on or about the summer of 2014, Mr. Shoemaker used technology to promote inappropriate communications with Student 3, specifically by sending Facebook messages to Student 3 that included Mr. Shoemaker discussing partying and alcohol with Student 3 and telling Student 3 that he could show Student 3 a good time. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Paul W. Shoemaker 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. Shoemaker of this action.

It was Moved by Mrs. McGuire and Seconded by Mr. Hagan that the above recommendation (Item 17) be approved.

President Kohler called for a roll call vote.

YES VOTES

Stephen Dackin
Sarah Fowler Arthur
Linda Haycock
Jenny Kilgore
Mark Lamoncha
Martha Manchester
Antoinette Miranda
Mike Toal

Stephanie Dodd
John Hagan
Kirsten Hill
Laura Kohler
Paul LaRue
Charlotte McGuire
Eric Poklar
Lisa Woods

Motion carried.

Kelly Edwards, Assistant Director, Office of Professional Conduct, presented the following recommendation (Item 18):

18. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE PERMANENTLY THE FOUR-YEAR RESIDENT EDUCATOR INTERVENTION SPECIALIST TEACHING LICENSE OF LAGINA M. WHITE

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

WHEREAS LaGina M. White holds a four-year resident educator intervention specialist teaching license issued in 2016; and

WHEREAS on April 18, 2019, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified LaGina M. White of its intent to determine whether to limit, suspend, revoke, or permanently revoke her four-year

resident educator intervention specialist teaching license issued in 2016 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. White engaging in the following conduct that is unbecoming to the teaching profession: on or about June 23, 2014, Ms. White entered into a consent agreement with the State Board of Education and pursuant to this consent agreement, her educator license was suspended from June 23, 2014 through June 30, 2016, during which time she was prohibited from performing any educational activities or duties that required a license through the Ohio Department of Education. From on or about June 23, 2014 through June 30, 2016, Ms. White worked for Achievement Centers for Children as a substitute teacher while her educator license was suspended. This position required an educator to hold a valid license or permit from the Ohio Department of Education. Ms. White did not hold a valid license or permit from the Ohio Department of Education at that time due to her license being suspended and moreover, she failed to abide by the terms and conditions of her consent agreement, thereby violating her consent agreement. Further, the notice included the following aggravating factors: on or about June 23, 2014, Ms. White was disciplined by the State Board of Education when she entered into a consent agreement relating to her 2013 conviction in the Cuyahoga County Common Pleas Court for one felony count of trafficking in or illegal use of food stamps and two felony counts of theft; and on or about March 10, 2014, Ms. White was issued a written warning from a supervisor at Achievement Centers for Children for failing to maintain an expected level of professionalism, failing to follow cellphone and internet usage policies while at work, and insubordination; and

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

WHEREAS a hearing was held on December 4, 2019; and

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

WHEREAS the hearing officer recommends that Ms. White's license be revoked and that she 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 Ms. White engaging in unethical conduct that included teaching without a license for two years contrary to the explicit terms of her consent agreement and intentionally misrepresenting her licensure status and criminal convictions to her employing district, and Ms. White's behaviors reflecting an ongoing characterological pattern of disregarding society's mores when it is to her personal advantage to do so; 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** LaGina M. White's four-year resident educator intervention specialist teaching license issued in 2016 based upon Ms. White engaging in the following conduct that is unbecoming to the teaching profession: on or about June 23, 2014, Ms. White entered into a consent agreement with the State Board of Education and pursuant to this consent agreement, her educator

license was suspended from June 23, 2014 through June 30, 2016, during which time she was prohibited from performing any educational activities or duties that required a license through the Ohio Department of Education. From on or about June 23, 2014 through June 30, 2016, Ms. White worked for Achievement Centers for Children as a substitute teacher while her educator license was suspended. This position required an educator to hold a valid license or permit from the Ohio Department of Education. Ms. White did not hold a valid license or permit from the Ohio Department of Education at that time due to her license being suspended and moreover, she failed to abide by the terms and conditions of her consent agreement, thereby violating her consent agreement. Further, the notice included the following aggravating factors: on or about June 23, 2014, Ms. White was disciplined by the State Board of Education when she entered into a consent agreement relating to her 2013 conviction in the Cuyahoga County Common Pleas Court for one felony count of trafficking in or illegal use of food stamps and two felony counts of theft; and on or about March 10, 2014, Ms. White was issued a written warning from a supervisor at Achievement Centers for Children for failing to maintain an expected level of professionalism, failing to follow cellphone and internet usage policies while at work, and insubordination. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders LaGina M. White 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. White of this action.

It was Moved by Mrs. Manchester and Seconded by Mrs. McGuire that the above recommendation (Item 18) be approved.

President Kohler called for a roll call vote.

YES VOTES

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

Motion carried.

Aaron Ross, Director, Office of Professional Conduct, presented the following recommendation (Item 19):

19. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO SUSPEND THE ONE-YEAR EDUCATIONAL AIDE PERMIT OF BRIANNA G. WILLIAMS

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

WHEREAS Brianna G. Williams held a one-year educational aide permit issued in 2017; and

WHEREAS on April 11, 2019, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Brianna G. Williams of its intent to determine whether to limit, suspend, revoke, or permanently revoke her one-year educational aide permit issued in 2017 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Williams engaging in conduct that is unbecoming to the teaching profession on or about November 21, 2017, by using and possessing illegal drugs; specifically, she was in possession of marijuana on school grounds and she smoked marijuana the previous day; and

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

WHEREAS a hearing was held on November 26, 2019; and

WHEREAS Ms. Williams was present at the hearing, but she was not represented by counsel; and

WHEREAS the hearing officer recommends that Ms. Williams' permit be suspended retroactively and that she be ineligible to apply for any license, permit, or certificate issued by the Board of Education until on or after January 1, 2022 and that prior to reapplication, she must submit the results of a drug screening and written verification that she has completed, at her own expense, eight hours of drug education classes, to be preapproved by the Ohio Department of Education. The hearing officer's recommendation is based upon Ms. Williams' failure to take responsibility for the fact that she brought drug paraphernalia onto school grounds regardless of whether it belonged to her or someone else and the need for Ms. Williams to understand the seriousness of her actions and to gain maturity before re-applying for a license; 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 **SUSPENDS** Brianna G. Williams' one-year educational aide permit issued in 2017 from January 1, 2018 through June 30, 2018 based upon Ms. Williams engaging in conduct that is unbecoming to the teaching profession by using and possessing illegal drugs; specifically, school personnel found drug paraphernalia in Respondent's car that was parked on school grounds and Respondent admitted that she smoked marijuana approximately two weeks prior to November 21, 2017. Further, the State Board of Education orders that Brianna G. Williams be ineligible to reapply for any license, permit, or certificate issued by the State Board of Education until on or after January 1, 2022, and

upon reapplication, Ms. Williams must provide to the Ohio Department of Education, at her own expense, the negative results of a drug screening from a properly licensed facility and provide written verification to the Ohio Department of Education that she has successfully completed, at her own expense, eight hours of drug education classes, with the training 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 Ms. Williams of this action.

It was Moved by Mrs. Fowler Arthur and Seconded by Dr. Kilgore that the above recommendation (Item 19) be approved.

Mrs. Haycock Moved to amend the resolution by substitution. She proposed that Ms. Williams be ineligible to reapply for any license, permit, or certificate issued by the State Board of Education until she provides to the Ohio Department of Education, at her own expense, the negative results of a drug screening from a properly licensed facility and provides written verification to the Ohio Department of Education that she has successfully completed, at her own expense, eight hours of drug education classes, with the training to be approved in advance by the Ohio Department of Education. Mrs. Manchester Seconded the motion. Mrs. Haycock stated that Ms. Williams had not been teaching for three years and that was a proper time for her to have matured and reapply.

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

YES VOTES

Stephen Dackin	Stephanie Dodd
Linda Haycock	Kirsten Hill
Laura Kohler	Paul LaRue
Martha Manchester	Charlotte McGuire
Antoinette Miranda	Nick Owens
Eric Poklar	Mike Toal
Lisa Woods	

NO VOTES

Sarah Fowler Arthur	John Hagan
Jenny Kilgore	Mark Lamoncha

Motion carried.

Resolution as amended:

19. RESOLUTION TO MODIFY THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER AND TO SUSPEND THE ONE-YEAR EDUCATIONAL AIDE PERMIT OF BRIANNA G. WILLIAMS

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

WHEREAS Brianna G. Williams held a one-year educational aide permit issued in 2017; and

WHEREAS on April 11, 2019, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Brianna G. Williams of its intent to determine whether to limit, suspend, revoke, or permanently revoke her one-year educational aide permit issued in 2017 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Williams engaging in conduct that is unbecoming to the teaching profession on or about November 21, 2017, by using and possessing illegal drugs; specifically, she was in possession of marijuana on school grounds and she smoked marijuana the previous day; and

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

WHEREAS a hearing was held on November 26, 2019; and

WHEREAS Ms. Williams was present at the hearing, but she was not represented by counsel; and

WHEREAS the hearing officer recommends that Ms. Williams' permit be suspended retroactively and that she be ineligible to apply for any license, permit, or certificate issued by the Board of Education until on or after January 1, 2022 and that prior to reapplication, she must submit the results of a drug screening and written verification that she has completed, at her own expense, eight hours of drug education classes, to be preapproved by the Ohio Department of Education. The hearing officer's recommendation is based upon Ms. Williams' failure to take responsibility for the fact that she brought drug paraphernalia onto school grounds regardless of whether it belonged to her or someone else and the need for Ms. Williams to understand the seriousness of her actions and to gain maturity before re-applying for a license; 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 has considered the hearing officer's report and recommendation; and

WHEREAS the State Board of Education rejects the following portions of the hearing officer's Report and Recommendation: reject the portion of the first sentence of the second paragraph of the Recommendation section of the Summary Fact Sheet that reads, "...that the Board order that Respondent be ineligible to apply for any license, permit, or certificate issued by the Board until after January 1, 2022, and"; reject in its entirety the first two sentences of the second paragraph of the Rationale section of the Report and Recommendation that begin, "Respondent's misconduct and the aggravating factors also support..." and reject the portion of the first sentence of the second paragraph of the Recommendation section of the Report and Recommendation that reads, "...that the Board order that Respondent be ineligible to apply for any license, permit, or certificate issued by the Board until after January 1, 2022, and"; 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 on 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 of Education finds that the administrative record identifies the following mitigating factors: Ms. Williams has established she has a strong work ethic and a vocation for helping others having worked since the age of 16, often in two jobs at the same time, including in positions working with autistic and emotionally disturbed children and the elderly; there is no evidence in the record that Respondent has had other incidences of job-related discipline or educator misconduct, drug-related or otherwise; and while Ms. Williams was only 20 years old in 2017 and may not have had the maturity to fully comprehend her actions at the time, almost three years have passed since the date of the incident during which time Ms. Williams has worked outside of education without incident and in roles that included working with vulnerable populations; and

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

WHEREAS the State Board of Education concludes that prohibiting Ms. Williams from reapplying until January 1, 2022 is not warranted based on the mitigating factors and a more appropriate sanction would be to allow Ms. Williams to reapply after she provides, at her own expense, the negative results of a drug screening from a properly licensed facility and provides written verification that she has successfully completed, at her own expense, eight hours of drug education classes, with the training to be approved in advance by the Ohio Department 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 the portion of the first sentence of the second paragraph of the Recommendation section of the Summary Fact Sheet that reads, "...that the Board order that Respondent be ineligible to apply for any license, permit, or certificate issued by the Board until after January 1, 2022, and"; reject in its entirety the first two sentences of the second paragraph of the Rationale section of the Report and Recommendation that begin, "Respondent's misconduct and the aggravating factors also support..." and reject the portion of the first sentence of the second paragraph of the Recommendation section of the Report and Recommendation that reads, "...that the Board order that Respondent be ineligible to apply for any license, permit, or certificate issued by the Board until after January 1, 2022, and" 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 of Education finds that the administrative record identifies the following mitigating factors: Ms. Williams has established she has a strong work ethic and a vocation for helping others having worked since the age of 16, often in two jobs at the same time, including in positions working with autistic and emotionally disturbed children and the elderly; there is no

evidence in the record that Respondent has had other incidences of job-related discipline or educator misconduct, drug-related or otherwise; and while Ms. Williams was only 20 years old in 2017 and may not have had the maturity to fully comprehend her actions at the time, almost three years have passed since the date of the incident during which time Ms. Williams has worked outside of education without incident and in roles that included working with vulnerable populations; and, Be It Further

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

RESOLVED, That the State Board of Education concludes that prohibiting Ms. Williams from reapplying until January 1, 2022 is not warranted based on the mitigating factors and a more appropriate sanction would be to allow Ms. Williams to reapply after she provides, at her own expense, the negative results of a drug screening from a properly licensed facility and provides written verification that she has successfully completed, at her own expense, eight hours of drug education classes, with the training to be approved in advance by the Ohio Department of Education; and, Be It Further

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **SUSPENDS** Brianna G. Williams' one-year educational aide permit issued in 2017 from January 1, 2018 through June 30, 2018 based upon Ms. Williams engaging in conduct that is unbecoming to the teaching profession by using and possessing illegal drugs; specifically, school personnel found drug paraphernalia in Respondent's car that was parked on school grounds and Respondent admitted that she smoked marijuana approximately two weeks prior to November 21, 2017. Further, the State Board of Education orders that Brianna G. Williams be ineligible to reapply for any license, permit, or certificate issued by the State Board of Education until she provides to the Ohio Department of Education, at her own expense, the negative results of a drug screening from a properly licensed facility and provides written verification to the Ohio Department of Education that she has successfully completed, at her own expense, eight hours of drug education classes, with the training 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 Ms. Williams of this action.

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

YES VOTES

Stephen Dackin
Sarah Fowler Arthur
Linda Haycock
Jenny Kilgore
Mark Lamoncha
Martha Manchester
Antoinette Miranda
Eric Poklar
Lisa Woods

Stephanie Dodd
John Hagan
Kirsten Hill
Laura Kohler
Paul LaRue
Charlotte McGuire
Nick Owens
Mike Toal

Motion carried.

President Kohler announced that Item 20 would be pulled from the Voting Agenda.

20. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO DENY PERMANENTLY THE ONE-YEAR SUBSTITUTE INTERVENTION SPECIALIST TEACHING LICENSE, FIVE-YEAR PROFESSIONAL EARLY CHILDHOOD TEACHING LICENSE, AND FIVE-YEAR PROFESSIONAL INTERVENTION SPECIALIST TEACHING LICENSE APPLICATIONS OF COURTNEY L. WOODS

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

WHEREAS Courtney L. Woods has applied for a one-year substitute intervention specialist teaching license, five-year professional early childhood teaching license, and five-year professional intervention specialist teaching license; and

WHEREAS on June 7, 2019, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Courtney L. Woods of its intent to deny or permanently deny her applications for a one-year substitute intervention specialist teaching license, five-year professional early childhood teaching license, and five-year professional intervention specialist teaching license pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Woods engaging in conduct that is unbecoming to the teaching profession on or about September 24, 2016, when, in violation of Toledo Public School District policies, she took two students with disabilities on an unapproved field trip to Bowling Green State University in a private vehicle driven by an adult who was not vetted or approved by the district; and

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

WHEREAS a hearing was held on February 21, 2020; and

WHEREAS Ms. Woods was present at the hearing, but she was not represented by counsel; and

WHEREAS the hearing officer recommends that Ms. Woods' applications be denied. Further it is recommended that Ms. Woods 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 the negative impact that Ms. Wood's licensure would have on the health, safety, and welfare of the school community as evidenced by Ms. Woods' failure to learn or inquire about school district policies and procedures for ensuring student safety on field trips, her failure to inquire with her supervisors about the policies and procedures for ensuring student safety on field trips, and her acknowledgment that she took other students on similar field trips at other district schools in the past; 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** Courtney L. Woods's application for a one-year substitute intervention specialist teaching license, five-year professional early childhood teaching license, and five-year professional intervention specialist teaching license based upon Ms. Woods engaging in conduct that is unbecoming to the teaching profession on or about September 24, 2016, when, in violation of Toledo Public School District policies, she took two students with disabilities on an unapproved field trip to Bowling Green State University in a private vehicle driven by an adult who was not vetted or approved by the district. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders Courtney L. Woods 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. Woods of this action.

President Kohler presented the following recommendation (Item 21):

21. RESOLUTION TO SELECT A PARTNER TO FACILITATE PROVIDING GIFTS FOR THE OHIO TEACHER OF THE YEAR PROGRAM

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

Ohio Revised Code (ORC) 3319.67 allows the Board to establish an annual teacher of the year program to recognize outstanding teachers;

ORC 3319.67 allows persons or entities to make voluntary contributions to the program;

ORC 3319.67 also allows teachers recognized as a teacher of the year to accept gifts and privileges as part of the program;

The Board, through the Department of Education’s Office of Educator Effectiveness, administers the Ohio Teacher of the Year program;

The Executive Committee voted to establish a partnership with a 501(c)(3) organization to facilitate providing gifts for the Ohio Teacher of the Year program at its July 2020 meeting;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby approves establishing a partnership with a 501(c)(3) organization to facilitate providing gifts for the Ohio Teacher of the Year program;

FURTHER RESOLVED, that the Superintendent of Public Instruction or his designee be, and hereby is, directed to establish criteria for the selection of a partner 501(c)(3) organization;

FURTHER RESOLVED, that the Board President shall appoint two Board members to participate in the process of selecting a partner 501(c)(3) organization.

Mr. Hagan Moved to postpone Item 21 to the next meeting of the Board. Ms. Woods Seconded the motion. Mr. Hagan stated after earlier discussion today, not very much information was provided as to how this would move forward, it is premature for the Board to pass a resolution that we don't really know what is going to happen.

Dr. Kilgore stated she would support postponing Item 21 till it was ready to come before the Board.

Mrs. Dodd stated she would support the delay in bringing this forward.

President Kohler asked if there was any objection to defeating the motion by Mr. Hagan. Mr. Hagan objected.

President Kohler called for a roll call vote on the motion by Mr. Hagan to postpone Item 21 to the October meeting of the Board.

YES VOTES

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

Motion carried.

Mr. Hagan suggested that if staff presented answers to all of the questions asked regarding this item before the vote next month, it might be possible to proceed with this item. President Kohler stated additional questions should be sent to her and she would relay those to staff. Superintendent DeMaria stated the Department would send responses to questions before the next meeting.

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

Chair: Sarah Fowler Arthur, Vice Chair: Nick Owens

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

Members Present: Fowler Arthur (Chair), Dackin, Haycock, Hill, Johnson, LaRue, Manchester. Not Present: Owens (Vice-Chair),

OAC 3301-24-23 Resident Educator License Renewal & OAC 3301-24-24 Alternative Resident Educator License Renewal (*Strategy 1*)

- Department staff provided Members with an overview of the proposed revisions to Ohio Administrative Code 3301-24-23 Resident Educator License Renewal and 3301-24-24 Alternative Resident Educator License Renewal, currently due for five-year-review.
- Committee members reviewed and discussed the revised rules which received no public comments during their 30-day posting period.
- Following discussion, Members voted 7-0 in favor of recommending approval of the proposed revised rules as presented. A resolution to adopt the revised rules will appear on the State Board's October 2020 voting agenda.

OAC 3301-43 Adult High School Continuation Programs (*Strategy 10*)

- Department staff provided Members with an overview of Ohio Administrative Code 3301-43 Adult High School Continuation Programs, currently due for five-year-review. The Department presented the rules to committee with no changes.
- Committee members reviewed and discussed the rules, currently posted for public comment.
- During discussion, Members requested additional information regarding the Adult High School Continuation Program and other diploma options available to Ohio students ages 16 through 21. The Department will share the requested information with Members prior to a possible vote to recommend adoption at the Committee's October 2020 meeting.

OAC 3301-56-02 Reading Achievement Improvement Plans (*Strategy 7 & 9*)

- Department staff provided Members with an overview of the proposed revised Ohio Administrative Code 3301-56-02 Reading Achievement Improvement Plans, currently due for five-year-review.
- Committee members reviewed and discussed the revised rule, currently posted for public comment.
- During discussion, Members proposed additional revision and requested clarifying information regarding the revision process. The Department will share the requested revision and information with Members prior to a possible vote to recommend adoption at the Committee's October 2020 meeting.

Ohio's Mathematics Pathways (*Strategy 10*)

- Department staff provided Members with an overview of ongoing efforts to strengthen Ohio's mathematics pathways.
- Due to time constraints, discussion and additional presentation will continue at the Committee's October meeting per Chair Fowler Arthur's request.
- The Department will provide additional information for October's meeting and Members were encouraged to forward any questions to Chair Fowler Arthur and Committee staff for consideration.

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: Chair Antoinette Miranda, Vice Chair Mike Toal, Stephanie Dodd, John Hagan, and Mark Lamoncha. Committee member Eric Poklar was absent.

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

- Discuss OAC 3301-14-01 Education Management Information System
- Discuss Strategic Plan Core Principle: Partnerships
- Discuss Field Services and School Reopening

OAC 3301-14-01 Education Management Information System

- Department staff discussed OAC 3301-14-01 Education Management Information System, currently under review based on the five-year rule review.
- Committee members asked how the EMIS Advisory Council was engaged in the rule review process and inquired about the quality of data since the ordered school building closure.
- The committee recommended the rule to the full board in October.

Strategic Plan Core Principle: Partnerships

- Staff from the Center for Continuous Improvement and the Unit of Field Relations provided the committee with updates about their work that connect to the strategic plan's core principle of partnerships. This included partnerships related to:
 - Ohio's sponsored schools
 - Community school sponsors and local government agencies
 - Statutorily required committees
 - ED STEPS
 - The 21st Century Community Learning Centers
 - Ohio's rural Appalachian districts
 - Ohio's urban districts

Field Relations and School Reopening

- Department staff discussed the many partners and stakeholders involved in developing the Department's reset and restart guidance.
- Information was provided on the different types of reopening plans utilized by districts and the flexibility changing those plans based on local health data.
- Department staff also introduced RemotEdx, a connected network and supports that will provide more students with high-quality, personalized remote education opportunities and provide more educators with job-embedded professional learning.
- Committee members asked about student privacy and protections during virtual learning, educator mental health, and the Department's guidance regarding student attendance and engagement.

Items Voted on and outcome of Vote:

The recommended amendments to OAC 3301-14-01 were approved by the committee, 4 members voting yes, one member voting no.

Will There be a Vote or Information in Front of the Full Board at Next or Upcoming Meeting?

OAC 3301-14-01 Education Management Information System will be presented to the full board in October.

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, Paul LaRue and Antoinette Miranda.

Ohio Administrative Code (OAC) 3301-37-01 through 3301-37-12 Child Day-Care Programs

- Staff presented proposed revisions to OAC 3301-37-01 through 3301-37-12 Child Day-Care Programs.
- Committee Member Johnson suggested adding clarification of lead as the hazard as it relates to peeling paint to rule 3301-37-05.
- The rules were presented for committee discussion this month and the committee will consider a resolution to approve the proposed changes to the rules in October, with full board consideration in November.

Ohio Administrative Code 3301-32-01 through 3301-32-12 School Child Program

- Staff presented proposed revisions to OAC 3301-32-01 through 3301-32-12 School Child Program.
- Board members asked staff to look at the definition of developmental appropriateness and clarify the reference to unique abilities and characteristics.
- The rules were presented for committee discussion this month and the committee will consider a resolution to approve the proposed changes to the rules in October, with full board consideration in November.

Ohio Administrative Code 3301-35-15 Standards for the Implementation of Positive Behavior Intervention Supports and Restraint and Seclusion

- Staff presented proposed revisions to OAC 3301-35-15 Standards for the Implementation of Positive Behavior Intervention Supports (PBIS) and Restraint and Seclusion. They shared the extensive stakeholder engagement and input during the rule revision.
- Board members discussed the staff who are required to be trained on PBIS and restraint and seclusion and whether it includes substitute teachers. Board members also discussed the use of chemical restraint being prohibited by schools, the definition of an airway related to restraint, parental consent for a functional behavior assessment, and definition and use of the term “student personnel”.
- The rules were presented for committee discussion this month and the committee will consider a resolution to approve the proposed changes to the rules in October, with full board consideration in November.

Reset and Restart Supports and Resources for Schools

- Staff shared updates on the Whole Child Framework and the Plan to Improve Educational Experiences and Outcomes for Students with Disabilities. Also, staff provided information on the supplemental Reset and Restart Resources recently released on English learners, family engagement, ensuring educational stability for students in foster care, preventing abuse and neglect, child nutrition, prevention education and student wellbeing, early learning, students with disabilities and telehealth guidelines for service providers.
- Board members discussed the importance of resources to support families and children who are going to school through a fully remote environment.
- 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, Steve Dackin, Stephanie Dodd, Mike Toal, Jenny Kilgore

Attendance Rate Calculation Rule-3301-18-01 (Five-Year Review)

- This rule addresses the Department's calculation of student attendance in schools. The Department's proposed revisions reflect statutory changes regarding the switch from days to hours required for students' attendance.
- The rule was posted for public comment for 30 days. The department received one comment that is in favor of the change from days to hours.
- Language was revised in committee to increase clarity for stakeholders. Revised language states, "While students can make up missed assignments or receive instructional services while suspended, that does not count as attendance."

Research, Evaluation and Advanced Analytics

Dr. Heather Boughton, Director of the Office of Research, Evaluation and Advanced Analytics provided a brief overview of the research office and explained the purpose of the department's use of data and evidence when partnering with external research organizations and working with our internal team. She informed the committee of how the research office provides support to offices across the department in generating, understanding, and using data, research, and evidence. She provided examples of research partnerships that are currently in place including – OSU's Ohio Education Research Center. This partnership started approximately ten years ago and helps the department think through connections between education and the workforce. Another research partner is Proving Ground with Harvard University.

Dr. Boughton will be returning to the committee to share more details of on-going research projects.

Performance Standards Confirmation Process

Lisa Chandler, Director, Office of Assessment, shared with the committee the planned timeline for the Performance Standards Confirmation Process finalized by the Department.

- September 15-October 9: Solicit nominations of educators to participate.
- September 16-October 2: The Department will request parent names and contact information from the parent teacher association (PTA) to participate in the process.
- October 12-23: Build representative panels.
- Week of October 19 or 26: Hold focus group discussions with parent representatives.
- October 26: Notify participants of panel selection.
- November 17-18: Conduct confirmation workshop.
- November 19-Dec 14: Prepare report.
- December 9: Report to Assessment and Accountability Committee.
- December 14: Meet with Assessment and Accountability Committee.

Planning for Next Meeting

- Committee members requested additional information from the Office of Research,

Evaluation and Advanced Analytics.

Non-Resolutions

Old Business

Mrs. Fowler Arthur made the following statement regarding the July minutes:

The July 2020 meeting quickly became more about advancing a political agenda rather than ensuring that all students, regardless of background, ethnicity, skin color, or other differentiating qualities, receive a quality education opportunity. The board debated differing outcomes without looking at the underlying factors which many times effect the educational and life attainment of students from all walks of life. We know that education and life advancement are often exacerbated by fatherlessness and single parent households, poverty, insecurity, and lack of parental involvement, which frequently holds true across all demographics and races, and these concerns were not included in the discussion.

I am concerned that the Board voted on July Resolution 20 without being clear on the precise language that we were asked to approve, that it lacked definition of key terms that have massive political associations, that it took until Saturday of the same week (four days later) to receive a final copy of the document voted upon at 11pm Tuesday night, and that members were told after the fact that their comments may have been unclear or cut out due to the virtual format and needed written statements to offer clarity. Additionally, the presentation of a completely revised version of the resolution between the June and July board meetings and the undue haste in adopting the resolution prevented testimony from the public on the critical topics broadly swept up in the resolution. It also prohibited board members from researching the claims or requesting documentation for the “evidence” claimed.

I respectfully protest the aberration of typical board processes used to push this resolution through in July and ask that this board reevaluate their support for the 1619 project (which was expressed multiple times throughout the discussion of July’s item #20), as well as, July’s #20 resolution while honestly addressing the underlying issues so that all students, regardless of race, may truly have a quality education opportunity and access to the American Dream.

Mr. Owens stated the claims that Item 20 passed by the Board in July was somehow a political ploy to further the 1619 group or Black Lives Matter was disingenuous to the Board and President Kohler who was a leader in the effort to bring this item forward.

Dr. Kilgore made the following statement regarding the 1619 Project:

I have been in contact with Superintendent DeMaria and have reached out through Mr. Goodwin to the history resource staff for the Ohio Department of Education, specifically Ms. McKean, to try to determine the actual criteria for any source to be found on the Department page to be used as a teacher resource that will have actual effect on the knowledge learned by Ohio students. I consider this as a critically important issue.

Regarding the 1619 Project:

- a. The ODE website should include teaching resources that include the impact and contributions of all the diverse cultures that merge to make us a uniquely gifted people and a strong, dynamic America,
- b. Anything posted to the Ohio Department of Education website should be informative, supportive, honest, accurate, and *without error*,
- c. An accurate history of Africans and their descendants, their experiences, and contributions to our nation building, should be included as an important resource that will inform Ohio students toward good citizenship, therefore, I posit that
- d. The 1619 Project, until corrections are made, and erroneous information removed, should not be found on the Ohio Department of Education website.

New Business

There was no New Business.

EQUITY PROFESSIONAL DEVELOPMENT OPPORTUNITY

Presenter: Kelly Capatosto, Senior Data & Policy Specialist, Kirwan Institute, The Ohio State University.

The State Board received professional development training titled:
Education Equity: Linking the Institutional and Interpersonal

Our Charge:

Ohio's greatest education challenge remains equity in education achievement for each child. The path to equity begins with a deep understanding of the history of discrimination and bias and how it has come to impact current society. This plan renews Ohio's commitment to creating the learning conditions that ensure each child acquires the knowledge and skills across all four equal learning domains to be successful.

Personal Goals:

Expand knowledge, develop a common language, and adopt an inclusive mindset to do the work for achieving equity in schools.

Dr. Miranda Moved to adjourn the meeting. Mr. Lamoncha Seconded the motion.

The President requested a voice vote.

Motion carried.

President Kohler adjourned the meeting at 8:35 p.m. The next regularly scheduled meeting of the State Board of Education is October 12-13, 2020.

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.