

**STATE BOARD OF EDUCATION OF OHIO  
MINUTES**

December 2021  
Ohio Department of Education  
25 South Front Street  
Columbus, Ohio 43215

**MEMBERS OF THE STATE BOARD OF EDUCATION**

Christina Collins	Stephen Dackin
Walter Davis	Diana Fessler
John Hagan	Kirsten Hill
Meryl Johnson	Brandon Kern
Jenny Kilgore	Mark Lamoncha
Paul LaRue	Martha Manchester
Charlotte McGuire	Tim Miller
Antoinette Miranda	Michelle Newman
Brendan Shea	Mike Toal

**EX OFFICIO MEMBERS**

Senator Andrew Brenner	Representative Gayle Manning
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**SECRETARY**

Dr. Stephanie K. Siddens  
Interim Superintendent of Public Instruction

NOTE: Mr. Kern was absent from the meeting.

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The State Board convened on Monday, December 13, at the Ohio Department of Education in Columbus.

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**STATE BOARD BUSINESS MEETING**

President McGuire convened the Business meeting of the State Board of Education on Monday, December 13, at 10:00 a.m.

President McGuire asked the Recording Secretary to call the roll.

**YES VOTES**

Christina Collins	Stephen Dackin
Walter Davis	John Hagan
Kirsten Hill	Meryl Johnson
Jenny Kilgore	Mark Lamoncha
Paul LaRue	Martha Manchester
Charlotte McGuire	Tim Miller
Antoinette Miranda	Michelle Newman

Minutes of the December 2021 Meeting of the State Board of Education of Ohio

Brendan Shea

Mike Toal

Motion carried.

NOTE: Mrs. Fessler was not in the room for roll call.

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

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President McGuire called for the approval of the Minutes of the November 2021 meeting. She asked if there were any corrections to the Minutes.

Ms. Newman made the following corrections to the minutes;

1. Page 2, it says Hagan and Fessler spoke on behalf of Dr. Kilgore. Dr. Kilgore wasn't nominated for president, and I did not recall either Hagan or Fessler speaking in support of her.
2. Page 4 says President Kohler (rather than President McGuire) called for approval of the October minutes.

President McGuire noted those corrections had been provided (Mr. Shea) and updated minutes were posted.

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

Motion carried.

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The Board's Teaching, Leading and Learning Committee met beginning at 10:15 a.m.

Topics of discussion were:

- Discuss: OAC 3301-24-25 Senior Professional Educator License Renewal & OAC 3301-24-26 Lead Professional Educator License Renewal (Possible Vote)
- Discuss: Ohio Dyslexia Committee Overview
- Presentation: Ohio Educator Preparation Programs: Use of Licensure Examination Data

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The Board's Performance & Impact Committee met beginning at 10:15 a.m.

Topics of discussion were:

- Discuss: Report Card Reform (HB82) Project Review
- Discuss: OAC 3301-28-03 Achievement Component
- Discuss: OAC 3301-28-05 Graduation Component
- Discuss: OAC 3301-28-08 College, Career, Workforce and Military Readiness Component

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The State Board recessed for lunch.

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The Board's Emerging Issues and Operational Standards Committee met beginning at 1:00 p.m.

Topics of discussion were:

- Discuss: OAC 3301-107-01 Afterschool Child Enrichment Educational Savings Accounts (Possible Vote)
- Discuss: OAC 3301-83-25 Transportation Collaboration Grant (Possible Vote)
- Discuss: OAC 3301-102 (5 rules) Community Schools Sponsors (Possible Vote)

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The Board's Integrated Student Supports Committee met beginning at 1:00 p.m.

Topics of discussion were:

- Discuss: OAC 3301-53, -55 Special Education Program Rules (Possible Vote)
  - 3301-53-01 Minimum Standards for Chartering County Board of Developmental Disabilities Special Education Schools
  - 3301-53-03 Excess Cost Charges for County Boards of Developmental Disabilities
  - 3301-55-01 Minimum Standards for Chartering Special Education Programs in Developmental Centers/Hospitals of Departments of Developmental Disabilities and Mental Health and Addiction Services
- Discuss: Center for Student Supports Updates

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## **REPORT OF THE INTERIM SUPERINTENDENT OF PUBLIC INSTRUCTION**

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

- Academic Distress Commission Academic Improvement Plan Update
- Federal COVID Relief Funding
- School Funding Implementation

### **ACADEMIC DISTRESS COMMISSION UPDATE**

Academic Improvement Plan:

- Recent changes in state law require impacted districts to submit an academic improvement plan. (ORC 3302.103)
- Three-year plans with annual and overall academic improvement benchmarks and related strategies.
- Three districts submitted plans for review by the Sept. 30 deadline.
- Revision requests were sent to all three districts on Oct. 27.

All three revised plans were approved on Dec. 3.

State superintendent review and revision requests:

- High expectations
- Pre-pandemic baseline
- Focus on academic outcomes
- Alignment to other plans

Key Milestones

Preparation – Dec. 3, 2021-June 30, 2022  
Implementation – July 1, 2022-June 30, 2023  
Implementation – July 1, 2023-June 30, 2024  
Implementation – July 1, 2024-June 30, 2025  
Evaluation - June 30, 2025  
One Year Extension – June 30, 2026  
Extension Evaluation – June 30, 2026  
One Year Extension – 2026-2027 school year  
Final Review – June 30, 2027

Summary of Activity

Prepare to implement plan  
Plan is in effect. Annual report to SBOE  
Plan is in effect. Annual report to SBOE  
Plan is in effect.  
Evaluation by SBOE  
One school year extension permitted  
First year extension evaluation  
Second year extension permitted  
Final review of plan after two extensions

**FEDERAL COVID RELIEF**

\$6.5 billion provided to schools and districts:

- Elementary and Secondary School Emergency Relief
- Governor’s Emergency Education Relief
- Coronavirus Relief Fund (including BroadbandOhio)
- Emergency Assistance to Nonpublic Schools
- ARP – Homeless Children and Youth
- ARP – Students and Disabilities (preschool and school age)
- Funds broadly used to “prepare, prevent and respond to COVID.”
- Schools identified learning loss (which includes before and afterschool programing, summer enrichment, and extended school day) as top priority.
- Facility/HVAC improvements, technology, mental health, and continuity of operations also priorities.
- Guidance released to assist districts.
- HB 169 includes \$4.19 billion in spending authority across multiple state agencies.
- Of that amount, nearly \$2.5 billion in appropriations for the Department of Education:
  - Elementary and Secondary School Emergency Relief (\$2.29 billion)
  - Governor’s Emergency Education Relief (\$33.8 million)
  - Emergency Assistance to Nonpublic Schools (\$155.2 million)
  - American Rescue Plan – Homeless Children and Youth (\$7.3 million)
- Appropriation will primarily support existing commitments to schools and districts under ESSER I, II, and III. (\$1.83 billion)
- Funding to supplement existing ESSER awards to districts to establish a minimum per pupil amount. (\$92.2 million)
- Funding to ESCs, JVSs, and CBDDs. (\$20.7 million)
- Directs the Department to use funds for:
  - Summer enrichment and after school programing (\$89.5 million)
  - Student wellness and success, school based-healthcare and family and community liaisons (\$35 million)
  - Connectivity supports (\$9.5 million)
  - Educator shortages (\$5.2 million)
  - Attendance initiatives (\$5 million)
- Graduation and workforce initiatives (\$4.7 million)
- Directs \$223.8 million for learning loss initiatives:
  - ESC learning recovery grants (\$75.4 million)

- Learning loss and academic recovery (\$70 million)
- Instructional materials (\$30 million)
- Boys and Girls Clubs (\$17.9 million)
- School improvement (\$11 million)
- LearningAid Ohio (\$8 million)
- Data supports (\$7.5 million)
- COSI – Learning Lunchboxes (\$4 million)

#### **SCHOOL FUNDING – IMPLEMENTATION UPDATE**

- Final stages of IT development and Quality Assurance testing.
- Anticipate implementation of new formula in January.
- All payment calculations are annualized.

#### School Funding – Key Changes:

- Direct funding - fund students where they are educated rather than where they live.
- Establishes a variable base cost per pupil amount for each district using student teacher ratios, minimum staffing levels, and actual costs.
- Implements a state and local cost methodology using property values and resident income for all districts.
- Revises categorical aid and restricts funds for subgroups.

#### School Funding – Base Cost:

The practitioner developed base cost model uses FY18 statewide average district costs (teacher salaries, average expenditures across districts), establishes minimum service levels, and student-teacher ratios to calculate a unique base cost for each district. Base cost funding includes five areas (22 subcomponents):

- Teacher Base Cost (4 subcomponents)
- Student Support (7 subcomponents - including a restricted Student Wellness and Success component)
- District Leadership & Accountability (7 subcomponents)
- Building Leadership & Operations (3 subcomponents)
- Athletic Co-Curricular

#### School Funding – State/Local Share:

- Calculated using property (60%) and income (40%).
- Income adjusted charge-off amount calculated (12 mills to 25 mills).
- FY22 Funding Relies on TY18-20 valuation and TY17-19 income and enrolled.
- Results in a local per pupil capacity amount.
- This is applied to the district base cost per pupil amount.

#### School Funding – Phase-In and Guarantee:

- Most components subject to, phase-in of 16.67% this year. DPIA phased-in at 0%. Transportation and supplemental targeted assistance not subject to phase-in.
- Formula transition supplement (guarantee), ensures schools and districts do not receive less than FY21 funding levels.

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President McGuire recessed the Board meeting at 4:42 p.m.

The Board's Budget Committee met following the Board meeting.

Topics of discussion were:

- Discuss: Compensation and evaluation of the Superintendent, Deputy Superintendent and Superintendent of the State Schools for the Deaf and Blind

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**RECONVENE STATE BOARD BUSINESS MEETING**

President McGuire reconvened the Business meeting of the State Board of Education on Tuesday, December 14, at 9:00 a.m.

President McGuire asked the Recording Secretary to call the roll.

**YES VOTES**

Christina Collins	Stephen Dackin
Walter Davis	Diana Fessler
John Hagan	Kirsten Hill
Meryl Johnson	Jenny Kilgore
Mark Lamoncha	Paul LaRue
Martha Manchester	Charlotte McGuire
Tim Miller	Antoinette Miranda
Michelle Newman	Mike Toal

NOTE: Mr. Shea entered the room after roll call.

Motion carried.

Mrs. Fessler stated an individual who had previously come to testify had related to her they were denied the use of the restroom. She asked President McGuire to follow up on this issue. President McGuire thanked Mrs. Fessler for bringing this issue to her attention.

President McGuire asked Board members if there was any objection to letting an individual testify on Non-Voting Agenda items who was present at this time. There were no objections.

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**PUBLIC PARTICIPATION ON VOTING AGENDA ITEMS**

There was no Public Participation on Voting Agenda Items.

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**PUBLIC PARTICIPATION ON NON-VOTING AGENDA ITEMS**

1) Mr. Jim Posch, President, Cleveland Heights-University Heights Board of Education. Mr. Posch spoke to the Board regarding the Cleveland Heights-University Heights school districts' Racial Equity Policy. A written copy of the testimony was provided.

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**EXECUTIVE SESSION AND QUASI-JUDICIAL DISCUSSION**

President McGuire called on Vice President Dackin, 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. The investigation of charges or complaints against a public employee, official, licensee, or regulated individual; and that the State Board of Education go into Executive Session pursuant to Ohio Revised Code Section 121.22(G)(3) for the purpose of conferring with legal counsel about matters that are the subject of pending or imminent court action.

Dr. Kilgore Seconded the motion.

The President called for a roll call vote.

**YES VOTES**

Christina Collins	Stephen Dackin
Walter Davis	Diana Fessler
John Hagan	Kirsten Hill
Meryl Johnson	Jenny Kilgore
Mark Lamoncha	Paul LaRue
Charlotte McGuire	Tim Miller
Antoinette Miranda	Michelle Newman
Brendan Shea	Mike Toal

Motion carried.

NOTE: Mrs. Manchester entered the room after roll call.

The Board went into Executive Session and Quasi-Judicial discussion at 9:30 a.m.

The Board recessed from Executive Session and Quasi-Judicial discussion at 11:20 a.m.

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The State Board recessed for lunch.

The State Board recognized former Board members Laura Kohler and Eric Poklar for their service to the children of Ohio.

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**COMMITTEE REPORTS**

Committee chairs provided reports from Committee meetings which met on Monday, December 13. A copy of the Committee report has been placed in the Committee folder on the website.

- Teaching, Leading, and Learning Committee – Mrs. Manchester
- Emerging Issues and Operational Standards Committee – Dr. Miranda
- Integrated Student Supports Committee – Dr. Kilgore
- Performance and Impact Committee – Mr. LaRue
- Budget Committee – Mr. Toal
- Gifted Advisory Council – Dr. Kilgore

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

President McGuire called on Interim Superintendent Siddens for her report and recommendations.

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

1. **RESOLUTION TO ACCEPT THE PERMANENT VOLUNTARY SURRENDER AND DENIAL OF LICENSES FORM SIGNED BY BLAZE D. GARNETT 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 Blaze D. Garnett has applied for and/or has been issued a license, permit, or certificate by the Ohio Department of Education; and

WHEREAS on October 26, 2021, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Blaze D. Garnett 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. Garnett's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

WHEREAS the form specifies that Blaze D. Garnett is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

WHEREAS Blaze D. Garnett 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** Blaze D. Garnett'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. Garnett'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 Blaze D. Garnett 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 Interim State Superintendent of Public Instruction be, and she hereby is, directed to notify Mr. Garnett of this action.

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

WHEREAS on November 15, 2021, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from David J. Haggerty 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. Haggerty's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

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

WHEREAS David J. Haggerty 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** David J. Haggerty'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. Haggerty'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 David J. Haggerty 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 Interim State Superintendent of Public Instruction be, and she hereby is, directed to notify Mr. Haggerty of this action.

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

WHEREAS on November 3, 2021, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Benjamin J. Keller 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. Keller's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

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

WHEREAS Benjamin J. Keller 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. Keller'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. Keller'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 Benjamin J. Keller 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 Interim State Superintendent of Public Instruction be, and she hereby is, directed to notify Mr. Keller of this action.

4. **RESOLUTION TO ACCEPT THE PERMANENT VOLUNTARY SURRENDER AND DENIAL OF LICENSES FORM SIGNED BY EDDIE B.**

**LEWIS 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 Eddie B. Lewis has applied for and/or has been issued a license, permit, or certificate by the Ohio Department of Education; and

WHEREAS on October 18, 2021, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Eddie B. Lewis 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. Lewis' decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

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

WHEREAS Eddie B. Lewis 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** Eddie B. Lewis' 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. 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 Eddie B. 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 Interim State Superintendent of Public Instruction be, and she hereby is, directed to notify Mr. Lewis of this action.

5. **RESOLUTION TO ACCEPT THE PERMANENT VOLUNTARY SURRENDER AND DENIAL OF LICENSES FORM SIGNED BY JORDAN D. OWENS 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:

Minutes of the December 2021 Meeting of the State Board of Education of Ohio

WHEREAS Jordan D. Owens has applied for and/or has been issued a license, permit, or certificate by the Ohio Department of Education; and

WHEREAS on November 2, 2021, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Jordan D. Owens 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. Owens' decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

WHEREAS the form specifies that Jordan D. Owens is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

WHEREAS Jordan D. Owens 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** Jordan D. Owens' 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. Owens' 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 Jordan D. Owens 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 Interim State Superintendent of Public Instruction be, and she hereby is, directed to notify Mr. Owens of this action.

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

President McGuire called for a roll call vote.

YES VOTES

Christina Collins  
Walter Davis  
John Hagan  
Meryl Johnson  
Mark Lamoncha  
Martha Manchester  
Tim Miller  
Michelle Newman  
Mike Toal

Stephen Dackin  
Diana Fessler  
Kirsten Hill  
Jenny Kilgore  
Paul LaRue  
Charlotte McGuire  
Antoinette Miranda  
Brendan Shea

Motion carried.

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Mrs. Manchester presented the following recommendation (Item 6):

**6. RESOLUTION TO ADOPT CHANGES TO OHIO ADMINISTRATIVE CODE 3301-27-01 / QUALIFICATIONS TO DIRECT, SUPERVISE, OR COACH A PUPIL-ACTIVITY PROGRAM**

The State Board of Education (“Board”) hereby **ADOPTS** changes to Ohio Administrative Code (OAC) 3301-27-01 / Qualifications to Direct, Supervise, or Coach a Pupil-Activity Program as follows:

Ohio Revised Code (ORC) 3301.07 provides that the Board may adopt rules necessary for carrying out any function imposed on it by law;

ORC 3319.303 requires the Board to adopt rules establishing standards and requirements for obtaining a pupil-activity program permit for any individual who does not hold a valid educator license, certificate, or permit issued by the state board under ORC 3319.22, 3319.26, or 3319.27;

ORC 3319.303 requires the Board to adopt rules applicable to individuals who hold valid educator licenses, certificates, or permits issued by the Board under ORC 3319.22, 3319.26, or 3319.27 setting forth standards to assure any such individual’s competence to direct, supervise, or coach a pupil-activity program under ORC 3319.53;

The rules adopted for individuals who hold valid educator licenses, certificates, or permits issued by the Board under ORC 3319.22, 3319.26, or 3319.27 shall not be more stringent than the standards set forth for individuals who do not hold such licenses or permits;

Permits issued under this rule are valid for coaching, supervising, or directing a pupil-activity program under ORC 3313.53;

ORC 3319.303 requires an individual applying for a permit on or after April 26, 2013 to successfully complete a training program that is specifically focused on brain trauma and brain injury management;

ORC 3319.303 requires each individual on or after April 26, 2013 to have successfully completed, within the previous three years, a training program in recognizing the symptoms of concussions and head injuries to which the Department of Health has provided a link on its web site under ORC 3707.52 or a training program authorized and required by an organization that regulates interscholastic athletic competition and conducts interscholastic athletic events;

Changes to this rule include allowing permanent professional license holders to receive a five-year permit rather than a three-year permit and to allow alternative options, subject to Department approval, to satisfy the coaching course requirement;

Minutes of the December 2021 Meeting of the State Board of Education of Ohio

The Educator Standards Board recommended adoption of this rule in the form attached hereto at its September 2021 meeting;

The Teaching, Leading, and Learning Committee recommended adoption of the rule in the form attached hereto at its November 2021 meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Board adopts changes to OAC 3301-27-01 / Qualifications to Direct, Supervise, or Coach a Pupil-Activity Program in the form attached hereto;

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

FURTHER RESOLVED, that the Interim 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 rule; that public notice be given in the Register of Ohio, and that said notice contain a general statement of the subject matter to which the rule relates.

It was Moved by Mrs. Manchester that the above recommendation (Item 6) be approved.

President McGuire called for a roll call vote.

YES VOTES

Christina Collins  
Walter Davis  
Kirsten Hill  
Jenny Kilgore  
Paul LaRue  
Charlotte McGuire  
Antoinette Miranda  
Brendan Shea

Stephen Dackin  
John Hagan  
Meryl Johnson  
Mark Lamoncha  
Martha Manchester  
Tim Miller  
Michelle Newman  
Mike Toal

ABSTAIN

Diana Fessler

Motion carried.

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Dr. Kilgore presented the following recommendation (Item 7):

- 7. RESOLUTION TO ADOPT CHANGES TO OHIO ADMINISTRATIVE RULE 3301-30-01 / OHIO DEPARTMENT OF YOUTH SERVICES AND OHIO DEPARTMENT OF REHABILITATION AND CORRECTION SCHOOLS**

Minutes of the December 2021 Meeting of the State Board of Education of Ohio

The State Board of Education (“Board”) **ADOPTS** changes to Ohio Administrative Code (OAC) 3301-30-01 / Ohio Department of Youth Services and Ohio Department of Rehabilitation and Correction Schools as follows:

Ohio Revised Code (ORC) 3301.07 allows the Board to adopt rules necessary for carrying out any function imposed on it by law;

The Board is required under ORC 3301.07 to formulate and prescribe minimum standards to be applied to all elementary and secondary schools in this state for the purpose of providing children access to a general education of high quality according to the learning needs of each individual;

The rule is being reviewed as part of a five-year rule review; and

The Integrated Student Supports Committee recommends that the rule be revised in the form attached hereto.

NOW, THEREFORE, BE IT RESOLVED, that the State Board of Education adopts changes to OAC 3301-30-01 / Ohio Department of Youth Services and Ohio Department of Rehabilitation and Correction Schools in the form attached hereto.

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

FURTHER RESOLVED, that the Interim 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 rule; that public notice be given in the Register of Ohio, and that said notice contain a general statement of the subject matter to which the rule relates.

It was Moved by Dr. Kilgore that the above recommendation (Item 7) be approved.

President McGuire called for a roll call vote.

**YES VOTES**

Christina Collins  
Walter Davis  
John Hagan  
Meryl Johnson  
Mark Lamoncha  
Martha Manchester  
Tim Miller  
Michelle Newman  
Mike Toal

Stephen Dackin  
Diana Fessler  
Kirsten Hill  
Jenny Kilgore  
Paul LaRue  
Charlotte McGuire  
Antoinette Miranda  
Brendan Shea

Motion carried.

Mr. LaRue presented the following recommendation (Item 8):

**8. RESOLUTION TO ADOPT CHANGES TO OHIO ADMINISTRATIVE CODE RULE 3301-102-10 AND TO ADOPT NO CHANGES TO OHIO ADMINISTRATIVE CODE RULES 3301-102-11 AND 3301-102-12**

The State Board of Education (“Board”) **ADOPTS** changes to Ohio Administrative Code (OAC) 3301-102-10 / Dropout prevention and recovery academic performance rating and report card system and no changes to OAC 3301-102-11 / Dropout prevention and recovery schools’ assessment of growth in student achievement and OAC 3301-102-12 / Standards for awarding an overall report card designation to dropout prevention and recovery community schools, as follows:

Ohio Revised Code (ORC) 3301.07 allows the Board to adopt rules necessary for carrying out any function imposed on it by law;

ORC 3314.017 requires the Board to prescribe by rule an academic performance rating and report card system for community schools that primarily serve students enrolled in dropout prevention and recovery programs;

ORC 3314.017 also requires the Board to prescribe testing and reporting requirements for the academic performance rating and report card system;

In June 2018, the Board adopted proposed revisions to OAC 3301-102-10, 3302-102-11, and 3301-102-12;

The Department of Education filed the rules with the Common Sense Initiative in July 2018 but no action has been taken on the rules after filing;

After several workgroups reviewed the rules and other issues regarding these schools, the Performance and Impact Committee recommended that the Board reconsider its previous decision on the rules and instead adopt no changes to the rules.

After the Committee’s recommendation, the Department recommended that non-substantive revisions be made to OAC 3301-102-10 to update statutory references and align to the Joint Committee on Agency Rule Review’s Rule Drafting Manual.

**NOW, THEREFORE, BE IT RESOLVED**, that the State Board of Education reconsiders its previously adopted revisions to OAC 3301-102-10 / Dropout prevention and recovery academic performance rating and report card system, OAC 3301-102-11 / Dropout prevention and recovery schools’ assessment of growth in student achievement, and OAC 3301-102-12 / Standards for awarding an overall report card designation to dropout prevention and recovery community schools.

**FURTHER RESOLVED**, that the Board adopts the changes to OAC 3301-102-10 in the form attached hereto.

**FURTHER RESOLVED**, that the Board adopts no changes to OAC 3301-102-11 and 3301-102-12.



FURTHER RESOLVED, that the Interim Superintendent of Public Instruction or her 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 Interim 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 Mr. Larue that the above recommendation (Item 8) be approved.

President McGuire called for a roll call vote.

YES VOTES

Christina Collins	Stephen Dackin
Walter Davis	Diana Fessler
John Hagan	Kirsten Hill
Meryl Johnson	Jenny Kilgore
Mark Lamoncha	Paul LaRue
Martha Manchester	Charlotte McGuire
Tim Miller	Antoinette Miranda
Michelle Newman	Brendan Shea
Mike Toal	

Motion carried.

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President McGuire presented the following recommendation (Item 9):

- 9. RESOLUTION TO APPROVE THE TERRITORY TRANSFER AND REVENUE SHARING AGREEMENT BETWEEN THE OAK HILLS LOCAL SCHOOL DISTRICT, HAMILTON COUNTY, AND THE CINCINNATI CITY SCHOOL DISTRICT, HAMILTON COUNTY, PURSUANT TO SECTION 3311.24 OF THE OHIO REVISED CODE.**

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

The Oak Hills Local School District (Oak Hills LSD), Hamilton County, and the Cincinnati City School District (Cincinnati CSD), Hamilton County entered into negotiations pursuant to Ohio Revised Code (ORC) 3311.24(B), and the parties agreed to transfer territory from Oak Hills CSD to Cincinnati CSD and reached a comprehensive settlement agreement; and

In the comprehensive agreement, Oak Hills LSD and Cincinnati CSD agree to transfer Parcels Number 551-0014-0001-00, 551-0014-0003-00, 551-0014-0012-00, 551-0014-0013-00 and 551-001-00 I 4-00, from Oak Hills LSD to Cincinnati CSD.

NOW, THEREFORE, BE IT RESOLVED, that upon consideration of the settlement agreement and the relevant law, the Board hereby approves the request for the transfer of territory from the Oak Hills Local School District, Hamilton County, to the Cincinnati City School District, Hamilton County; and

BE IT FURTHER RESOLVED, that the Superintendent of Public Instruction be, and he hereby is, directed to serve a true copy of this resolution on the City of Cheviot, the Oak Hills Local School District, Hamilton County, the Cincinnati City School District, Hamilton County, and counsel of record, if applicable.

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

President McGuire called for a roll call vote.

YES VOTES

Christina Collins	Stephen Dackin
Walter Davis	Diana Fessler
John Hagan	Kirsten Hill
Meryl Johnson	Jenny Kilgore
Mark Lamoncha	Paul LaRue
Martha Manchester	Charlotte McGuire
Tim Miller	Antoinette Miranda
Michelle Newman	Brendan Shea
Mike Toal	

Motion carried.

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

**10. RESOLUTION TO REVOKE THE ONE-YEAR EDUCATIONAL AIDE PERMIT OF TREVOR B. BUSH**

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

WHEREAS Trevor B. Bush held a one-year educational aide permit issued in 2019; and

WHEREAS on September 8, 2021, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Trevor B. Bush of its intent to determine whether to limit, suspend, revoke, or permanently revoke his one-year educational aide permit issued in 2019 pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(a), and (B)(3). The notice was based upon Mr. Bush's 2020 plea of guilty in the Montgomery County Common Pleas Court to one felony count of carrying a concealed weapon and one felony count of improper handling of a firearm in a motor vehicle and his subsequent entry into the court's intervention in lieu of conviction program; and

WHEREAS the notice informed Mr. Bush 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 educational aide permit issued in 2019; and

WHEREAS Trevor B. Bush did not request a hearing in accordance with Section 119.07 of the Ohio Revised Code; 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 Montgomery County Common Pleas Court, and certified police records from the Miami Township 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), (B)(2)(a), and (B)(3), hereby **REVOKES** Trevor B. Bush's one-year educational aide permit issued in 2019 based upon Mr. Bush's 2020 plea of guilty in the Montgomery County Common Pleas Court to one felony count of carrying a concealed weapon and one felony count of improper handling of a firearm in a motor vehicle and his subsequent entry into the court's intervention in lieu of conviction program. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that Trevor B. Bush be ineligible to apply for any license, permit, or certificate issued by the State Board of Education until on or after December 14, 2026, and upon reapplication, he must submit written verification to the Ohio Department of Education that he has completed, at his own expense, a parenting class and eight hours of training in ethics, with all training to be approved in advance by the Ohio Department of Education; and, Be It Further

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

It was Moved by Dr. Kilgore and Seconded by Mr. Miller that the above recommendation (Item 10) be approved.

Ms. Johnson moved to amend the resolution by substitution. Mr. Shea seconded the motion. She proposed an additional requirement of a one hour defensive driving course.

Mrs. Fessler suggested this was a simple amendment rather than a substitute resolution. President McGuire clarified this was an amendment to the existing resolution.

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

**YES VOTES**

Christina Collins	Stephen Dackin
Walter Davis	Diana Fessler
John Hagan	Kirsten Hill
Meryl Johnson	Jenny Kilgore
Mark Lamoncha	Paul LaRue
Martha Manchester	Charlotte McGuire
Tim Miller	Antoinette Miranda
Michelle Newman	Brendan Shea
Mike Toal	

Motion carried.

Resolution as amended;

**10. RESOLUTION TO REVOKE THE ONE-YEAR EDUCATIONAL AIDE PERMIT OF TREVOR B. BUSH**

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

WHEREAS Trevor B. Bush held a one-year educational aide permit issued in 2019; and

WHEREAS on September 8, 2021, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Trevor B. Bush of its intent to determine whether to limit, suspend, revoke, or permanently revoke his one-year educational aide permit issued in 2019 pursuant to Ohio Revised Code 3319.31(B)(1), (B)(2)(a), and (B)(3). The notice was based upon Mr. Bush's 2020 plea of guilty in the Montgomery County Common Pleas Court to one felony count of carrying a concealed weapon and one felony count of improper handling of a firearm in a motor vehicle and his subsequent entry into the court's intervention in lieu of conviction program; and

WHEREAS the notice informed Mr. Bush 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 educational aide permit issued in 2019; and

WHEREAS Trevor B. Bush did not request a hearing in accordance with Section 119.07 of the Ohio Revised Code; 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 Montgomery

County Common Pleas Court, and certified police records from the Miami Township 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), (B)(2)(a), and (B)(3), hereby **REVOKES** Trevor B. Bush's one-year educational aide permit issued in 2019 based upon Mr. Bush's 2020 plea of guilty in the Montgomery County Common Pleas Court to one felony count of carrying a concealed weapon and one felony count of improper handling of a firearm in a motor vehicle and his subsequent entry into the court's intervention in lieu of conviction program. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that Trevor B. Bush be ineligible to apply for any license, permit, or certificate issued by the State Board of Education until on or after December 14, 2026, and upon reapplication, he must submit written verification to the Ohio Department of Education that he has completed, at his own expense, a parenting class, a one hour defensive driving course, and eight hours of training in ethics, with all training to be approved in advance by the Ohio Department of Education; and, Be It Further

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

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

YES VOTES

Christina Collins	Stephen Dackin
Walter Davis	Diana Fessler
John Hagan	Kirsten Hill
Meryl Johnson	Jenny Kilgore
Mark Lamoncha	Paul LaRue
Martha Manchester	Charlotte McGuire
Tim Miller	Antoinette Miranda
Michelle Newman	Brendan Shea
Mike Toal	

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 ISSUE AND SUSPEND THE FIVE-YEAR PROFESSIONAL SPECIAL ALL GRADES TEACHING LICENSE AND FIVE-YEAR PROFESSIONAL HIGH SCHOOL TEACHING LICENSE APPLICATIONS AND TO SUSPEND THE FIVE-YEAR PROFESSIONAL INTERVENTION SPECIALIST TEACHING LICENSE OF KEITH A. CARTER**

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

WHEREAS Keith A. Carter has applied for a five-year professional special all grades teaching license and five-year professional high school teaching license and holds a five-year professional intervention specialist teaching license issued in 2018; and

WHEREAS on July 14, 2020, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Keith A. Carter of its intent to determine whether to deny or permanently deny his pending applications for a five-year professional special all grades teaching license and five-year professional high school teaching license and to limit, suspend, revoke, or permanently revoke his five-year professional intervention specialist teaching license issued in 2018 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Carter, on or about the 2017-2018 school year, while employed with the Gallia County Local School District, failing to maintain appropriate student-teacher boundaries, including but not limited to: Mr. Carter playing with the hair of Student 1 and Student 2, drawing on Student 1 and Student 2's arms, and putting his finger in Student 2's ear; Mr. Carter misusing school technology and participating in electronic communications with another staff member in which he made inappropriate, threatening, and disparaging comments about students and school personnel which included, but are not limited to, Mr. Carter: saying he was "very sad" when a student "did not show up for his whippin" and that he was "just hoping for a good ol beat down"; referring to students as the "Trifecta of Losers"; referring to other staff members "a BITCH", "an Idiot", "a huge DICK HEAD", "an asshole", a "2 faced bastard", and "our GAY BOSS"; and indicating that he would kick another staff member "in the NUTS" if Mr. Carter met that staff member "out in public"; and Mr. Carter, making inappropriate comments about students, including but not limited to: saying Student 2 would make a good stripper; referring to how nice Student 2's breasts were; and remarking that if Student 2 was older and Mr. Carter was younger, that he would like to get with Student 2. Further, the notice included the following aggravating factors: on or about November 6, 2006, in the Jackson County Municipal Court, Mr. Carter was convicted of one misdemeanor count of persistent disorderly conduct; on or about March 18, 2008, the State Board of Education of Ohio adopted a resolution that suspended Mr.

Carter's teaching credentials for a period of two years and stayed that suspension provided Mr. Carter successfully complete training by March 12, 2010 with this resolution being based upon Mr. Carter causing or attempt to cause physical harm to a student by shoving the student against a fence, throwing the student on the ground, and forcibly taking the student into the school building, resulting

in Mr. Carter's above named 2006 conviction for one misdemeanor count of persistent disorderly conduct; and on or about April 28, 2015, Mr. Carter was issued a letter of reprimand by an administrator with the Gallia County Local School District for becoming frustrated with a student, grabbing the student, aggressively spinning the student around, and shoving the student back into the classroom; and

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

WHEREAS a hearing was held on June 17, 2021; and

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

WHEREAS the hearing officer recommends that Mr. Carter's applications for a five-year professional special all grades teaching license and five-year professional high school teaching license be issued and that these credentials, along with Mr. Carter's five-year professional intervention specialist teaching license issued in 2018, be suspended for a period of two years. The hearing officer further recommends that the two-year suspension be stayed provided Mr. Carter remains in compliance with the terms of his last chance agreement with the Gallia County Local School district and Mr. Carter provides verification that he has completed, at his own expense and within six months of issuance of the State Board of Education's resolution, eight hours of diversity awareness/sensitivity training, eight hours of professionalism training, and eight hours of student-teacher boundaries training. The hearing officer's recommendation is based upon the nature and seriousness of Mr. Carter's actions being egregious, but finding in mitigation that Mr. Carter has continued to work for the school district since his misconduct without issue and with Mr. Carter's conduct over the past three years displaying his commitment to rehabilitating himself; 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 **ISSUES** Keith A. Carter's applications for a five-year professional special all grades teaching license and five-year professional high school teacher license but **SUSPENDS** these licenses along with his five-year professional intervention specialist teaching license issued in 2018 beginning on December 14, 2021 and ending on December 14, 2023, with the suspension to be stayed in its entirety provided that Mr. Carter submits written verification to the Ohio Department of Education that he remains in compliance with the terms of his last chance agreement with the Gallia County Local School District, and that he has completed, at his own expense, eight hours of diversity awareness/sensitivity training, eight hours of professionalism training, and eight hours of student-teacher boundary training with all training to be approved in advance by the Ohio Department of Education and with verification of completion to be provided by June 14, 2022. Further, if Mr. Carter does not submit written verification to the Department of Education that he has completed the above trainings by June

14, 2022, the stayed suspension of Mr. Carter's licenses will lift and his licenses will be suspended indefinitely until he provides written verification that the trainings have been completed. The suspension is based upon Mr. Carter, on or about the 2017-2018 school year, while employed with the Gallia County Local School District, failing to maintain appropriate student-teacher boundaries, including but not limited to: Mr. Carter playing with the hair of Student 1 and Student 2; and Mr. Carter misusing school technology and participating in electronic communications with another staff member in which he made inappropriate, threatening, and disparaging comments about students and school personnel which included, but are not limited to, Mr. Carter: saying he was "very sad" when a student "did not show up for his whippin" and that he was "just hoping for a good ol beat down"; referring to students as the "Trifecta of Losers"; referring to other staff members "a BITCH", "an Idiot", "a huge DICK HEAD", "an asshole", a "2 faced bastard", and "our GAY BOSS"; and indicating that he would kick another staff member "in the NUTS" if Mr. Carter met that staff member "out in public". Further, the notice included the following aggravating factors: on or about November 6, 2006, in the Jackson County Municipal Court, Mr. Carter was convicted of one misdemeanor count of persistent disorderly conduct; on or about March 18, 2008, the State Board of Education of Ohio adopted a resolution that suspended Mr. Carter's teaching credentials for a period of two years and stayed that suspension provided Mr. Carter successfully complete training by March 12, 2010 with this resolution being based upon Mr. Carter causing or attempt to cause physical harm to a student by shoving the student against a fence, throwing the student on the ground, and forcibly taking the student into the school building, resulting in Mr. Carter's above named 2006 conviction for one misdemeanor count of persistent disorderly conduct; and on or about April 28, 2015, Mr. Carter was issued a letter of reprimand by an administrator with the Gallia County Local School District for becoming frustrated with a student, grabbing the student, aggressively spinning the student around, and shoving the student back into the classroom. Mr. Carter requested a hearing in this matter; and, Be It Further

RESOLVED, That the State Board of Education directs the Ohio Department of Education, on its behalf, to implement the aforementioned terms and conditions regarding Mr. Carter's applications and license. Further, if said terms and conditions have not been fulfilled completely upon Mr. Carter 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 Interim State Superintendent of Public Instruction be, and she hereby is, directed to notify Mr. Carter of this action.

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

Ms. Johnson moved to amend the resolution by substitution. Dr. Collins seconded the motion. She proposed that an additional course in anger management be required.



Mrs. Fessler asked why two additional paragraphs of language was needed simply for adding the requirement of an anger management course. Ms. Edwards responded that to deviate from the recommendation of the Hearing Officer, the resolution needs to state with particularity the reasons for why the actions are being taken place.

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

YES VOTES

Christina Collins	Stephen Dackin
Walter Davis	Diana Fessler
John Hagan	Kirsten Hill
Meryl Johnson	Jenny Kilgore
Mark Lamoncha	Paul LaRue
Martha Manchester	Charlotte McGuire
Tim Miller	Antoinette Miranda
Brendan Shea	Mike Toal

Motion carried.

Resolution as amended;

- 11. RESOLUTION TO ACCEPT THE REPORT AND MODIFY THE RECOMMENDATION OF THE HEARING OFFICER TO ISSUE AND SUSPEND THE FIVE-YEAR PROFESSIONAL SPECIAL ALL GRADES TEACHING LICENSE AND FIVE-YEAR PROFESSIONAL HIGH SCHOOL TEACHING LICENSE APPLICATIONS AND TO SUSPEND THE FIVE-YEAR PROFESSIONAL INTERVENTION SPECIALIST TEACHING LICENSE OF KEITH A. CARTER**

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

WHEREAS Keith A. Carter has applied for a five-year professional special all grades teaching license and five-year professional high school teaching license and holds a five-year professional intervention specialist teaching license issued in 2018; and

WHEREAS on July 14, 2020, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Keith A. Carter of its intent to determine whether to deny or permanently deny his pending applications for a five-year professional special all grades teaching license and five-year professional high school teaching license and to limit, suspend, revoke, or permanently revoke his five-year professional intervention specialist teaching license issued in 2018 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Carter, on or about the 2017-2018 school year, while employed with the Gallia County Local School District, failing to maintain appropriate student-teacher boundaries, including but not limited to: Mr. Carter playing with the hair of Student 1 and Student 2, drawing on Student 1 and Student 2's arms, and putting his finger in Student 2's ear; Mr. Carter misusing school technology and participating in electronic communications with another staff member in which he made inappropriate, threatening, and disparaging comments about students and school personnel which included, but are not

limited to, Mr. Carter: saying he was "very sad" when a student "did not show up for his whippin" and that he was "just hoping for a good ol beat down"; referring to students as the "Trifecta of Losers"; referring to other staff members "a BITCH", "an Idiot", "a huge DICK HEAD", "an asshole", a "2 faced bastard", and "our GAY BOSS"; and indicating that he would kick another staff member "in the NUTS" if Mr. Carter met that staff member "out in public"; and Mr. Carter, making inappropriate comments about students, including but not limited to: saying Student 2 would make a good stripper; referring to how nice Student 2's breasts were; and remarking that if Student 2 was older and Mr. Carter was younger, that he would like to get with Student 2. Further, the notice included the following aggravating factors: on or about November 6, 2006, in the Jackson County Municipal Court, Mr. Carter was convicted of one misdemeanor count of persistent disorderly conduct; on or about March 18, 2008, the State Board of Education of Ohio adopted a resolution that suspended Mr. Carter's teaching credentials for a period of two years and stayed that suspension provided Mr. Carter successfully complete training by March 12, 2010 with this resolution being based upon Mr. Carter causing or attempt to cause physical harm to a student by shoving the student against a fence, throwing the student on the ground, and forcibly taking the student into the school building, resulting in Mr. Carter's above named 2006 conviction for one misdemeanor count of persistent disorderly conduct; and on or about April 28, 2015, Mr. Carter was issued a letter of reprimand by an administrator with the Gallia County Local School District for becoming frustrated with a student, grabbing the student, aggressively spinning the student around, and shoving the student back into the classroom; and

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

WHEREAS a hearing was held on June 17, 2021; and

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

WHEREAS the hearing officer recommends that Mr. Carter's applications for a five-year professional special all grades teaching license and five-year professional high school teaching license be issued and that these credentials, along with Mr. Carter's five-year professional intervention specialist teaching license issued in 2018, be suspended for a period of two years. The hearing officer further recommends that the two-year suspension be stayed provided Mr. Carter remains in compliance with the terms of his last chance agreement with the Gallia County Local School district and Mr. Carter provides verification that he has completed, at his own expense and within six months of issuance of the State Board of Education's resolution, eight hours of diversity awareness/sensitivity training, eight hours of professionalism training, and eight hours of student-teacher boundaries training. The hearing officer's recommendation is based upon the nature and seriousness of Mr. Carter's actions being egregious, but finding in mitigation that Mr. Carter has continued to work for the school district since his misconduct without issue and with Mr. Carter's conduct over the past three years displaying his commitment to rehabilitating himself; 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 adopts the hearing officer's Report, but finds that the administrative record identifies the following additional aggravating factor: Mr. Carter would become frustrated and angry at times while working at River Valley High School and during those times Mr. Carter would remove himself from the situation and go into his classroom where loud noises could sometimes be heard; and

WHEREAS the State Board of Education concludes that, based on the aggravating factors in this case, training in anger management is necessary in addition to the other trainings recommended by the hearing officer to further support Mr. Carter in his process of rehabilitation; Therefore, Be It

RESOLVED, That the State Board of Education adopts the hearing officer's Report, but finds that the administrative record identifies the following additional aggravating factor: Mr. Carter would become frustrated and angry at times while working at River Valley High School and during those times Mr. Carter would remove himself from the situation and go into his classroom where loud noises could sometimes be heard; and, Be It Further

RESOLVED, That the State Board of Education concludes that, based on the aggravating factors in this case, training in anger management is necessary in addition to the other trainings recommended by the hearing officer to further support Mr. Carter in his process of rehabilitation; and, Be It Further

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **ISSUES** Keith A. Carter's applications for a five-year professional special all grades teaching license and five-year professional high school teacher license but **SUSPENDS** these licenses along with his five-year professional intervention specialist teaching license issued in 2018 beginning on December 14, 2021 and ending on December 14, 2023, with the suspension to be stayed in its entirety provided that Mr. Carter submits written verification to the Ohio Department of Education that he remains in compliance with the terms of his last chance agreement with the Gallia County Local School District, and that he has completed, at his own expense, eight hours of diversity awareness/sensitivity training, eight hours of professionalism training, eight hours of student-teacher boundary training, and a course in anger management with all training to be approved in advance by the Ohio Department of Education and with verification of completion to be provided by June 14, 2022. Further, if Mr. Carter does not submit written verification to the Department of Education that he has completed the above trainings by June 14, 2022, the stayed suspension of Mr. Carter's licenses will lift and his licenses will be suspended indefinitely until he provides written verification that the trainings have been completed. The suspension is based upon Mr. Carter, on or about the 2017-2018 school year, while employed with the Gallia County Local School District, failing to maintain appropriate student-teacher boundaries, including but not limited to: Mr. Carter playing with the hair of Student 1 and Student 2; and Mr. Carter misusing school technology and participating in electronic communications with another staff member in which he made inappropriate, threatening, and disparaging comments about students and school personnel which included, but are not limited to, Mr. Carter: saying he was "very sad" when a student "did not show up for his whippin" and

that he was "just hoping for a good ol beat down"; referring to students as the "Trifecta of Losers"; referring to other staff members "a BITCH", "an Idiot", "a huge DICK HEAD", "an asshole", a "2 faced bastard", and "our GAY BOSS"; and indicating that he would kick another staff member "in the NUTS" if Mr. Carter met that staff member "out in public". Further, the notice included the following aggravating factors: on or about November 6, 2006, in the Jackson County Municipal Court, Mr. Carter was convicted of one misdemeanor count of persistent disorderly conduct; on or about March 18, 2008, the State Board of Education of Ohio adopted a resolution that suspended Mr. Carter's teaching credentials for a period of two years and stayed that suspension provided Mr. Carter successfully complete training by March 12, 2010 with this resolution being based upon Mr. Carter causing or attempt to cause physical harm to a student by shoving the student against a fence, throwing the student on the ground, and forcibly taking the student into the school building, resulting in Mr. Carter's above named 2006 conviction for one misdemeanor count of persistent disorderly conduct; and on or about April 28, 2015, Mr. Carter was issued a letter of reprimand by an administrator with the Gallia County Local School District for becoming frustrated with a student, grabbing the student, aggressively spinning the student around, and shoving the student back into the classroom. Mr. Carter requested a hearing in this matter; and, Be It Further

RESOLVED, That the State Board of Education directs the Ohio Department of Education, on its behalf, to implement the aforementioned terms and conditions regarding Mr. Carter's applications and license. Further, if said terms and conditions have not been fulfilled completely upon Mr. Carter 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 Interim State Superintendent of Public Instruction be, and she hereby is, directed to notify Mr. Carter of this action.

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

YES VOTES

Christina Collins	Stephen Dackin
Walter Davis	Diana Fessler
John Hagan	Kirsten Hill
Meryl Johnson	Jenny Kilgore
Mark Lamoncha	Paul LaRue
Martha Manchester	Charlotte McGuire
Tim Miller	Antoinette Miranda
Brendan Shea	Mike Toal

Motion carried.

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

**12. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE PERMANENTLY THE ONE-YEAR SUBSTITUTE GENERAL EDUCATION TEACHING LICENSE OF BRITTANY M. DEMMITT**

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

WHEREAS Brittany M. Demmitt held a one-year substitute general education teaching license issued in 2018; and

WHEREAS on January 5, 2021, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Brittany M. Demmitt of its intent to determine whether to limit, suspend, revoke, or permanently revoke her one-year substitute general education teaching license issued in 2018 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Demmitt engaging in conduct unbecoming to the teaching profession on or about March 29, 2019, when she abandoned her position during the school day and was found to be in the back seat of her car, which was on school premises, amid several empty bottles of alcohol and Ms. Demmitt admitted to having been drinking that day; and

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

WHEREAS a hearing was held on August 19, 2021; and

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

WHEREAS the hearing officer recommends that Ms. Demmitt'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 the nature and seriousness of Ms. Demmitt's conduct, which involved alcohol when her employment consisted of working as a one-on-one aide to a special needs student and with other elementary-age 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 **REVOKES** Brittany M. Demmitt's one-year substitute general education teaching license issued in 2018 based upon Ms. Demmitt engaging in conduct unbecoming to the teaching profession on or about March 29, 2019, when she abandoned her position during the school day and was found to be in the back seat of her car, which was on school premises, amid at least one empty bottle of alcohol and Ms. Demmitt admitted to having been drinking that day. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Brittany M. Demmitt 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 Interim State Superintendent of Public Instruction be, and she hereby is, directed to notify Ms. Demmitt of this action.

It was Moved by Dr. Kilgore and Seconded by Ms. Johnson that the above recommendation (Item 12) be approved.

President McGuire called for a roll call vote.

YES VOTES

Christina Collins	Stephen Dackin
Walter Davis	Diana Fessler
John Hagan	Kirsten Hill
Meryl Johnson	Jenny Kilgore
Mark Lamoncha	Paul LaRue
Martha Manchester	Charlotte McGuire
Tim Miller	Antoinette Miranda
Brendan Shea	Mike Toal

Motion carried.

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

**13. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL EDUCATION OF THE HANDICAPPED TEACHING LICENSE OF CHERYL M. GARVIN**

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

WHEREAS Cheryl M. Garvin held a five-year professional education of the handicapped teaching license issued in 2015; and

WHEREAS on January 6, 2021, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Cheryl M. Garvin of its intent to determine whether to limit, suspend, revoke, or permanently revoke her five-year professional education of the handicapped teaching license issued in 2015 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Garvin engaging in conduct unbecoming to the teaching profession on or about August 17, 2018, when she used inappropriate physical intervention on a student, specifically, she grabbed the student's arm and forced the student to bend over and pick up an object, then continued to hold on to the student's arm to take the student back to his desk. Further, the notice included as an aggravating factor that on or about October 31,

2011, Ms. Garvin was disciplined by the State Board of Education when she entered into a consent agreement based upon her use of inappropriate physical interventions on a student with disabilities and, under this agreement, Ms. Garvin's teaching license was suspended and she was required to complete six hours of training on appropriate student discipline techniques; and

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

WHEREAS a hearing was held on August 24, 2021; and

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

WHEREAS the hearing officer recommends that Ms. Garvin'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 the seriousness of Ms. Garvin's misconduct, which involved a fundamental breach of her duty to act as a positive role model, provide a safe environment for her students, and avoid physical abuse of students; and Ms. Garvin posing a risk that she would repeat her actions; 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** Cheryl M. Garvin's five-year professional education of the handicapped teaching license issued in 2015 based upon Ms. Garvin engaging in conduct unbecoming to the teaching profession on or about August 17, 2018, when she used inappropriate physical intervention on a student, specifically, she grabbed the student's arm and forced the student to bend over and pick up an object, then continued to hold on to the student's arm to take the student back to his desk. Pursuant to Ohio Administrative Code Rule 3301-73-21(B), the State Board of Education further considers in aggravation that on or about October 31, 2011, Ms. Garvin was disciplined by the State Board of Education when she entered into a consent agreement based upon her use of inappropriate physical interventions on a student with disabilities and, under this agreement, Ms. Garvin's teaching license was suspended and she was required to complete six hours of training on appropriate student discipline techniques. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Cheryl M. Garvin 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 Interim State Superintendent of Public Instruction be, and she hereby is, directed to notify Ms. Garvin of this action.

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

President McGuire called for a roll call vote.

YES VOTES

Stephen Dackin  
Diana Fessler  
Kirsten Hill  
Jenny Kilgore  
Paul LaRue  
Charlotte McGuire  
Antoinette Miranda  
Mike Toal

Walter Davis  
John Hagan  
Meryl Johnson  
Mark Lamoncha  
Martha Manchester  
Tim Miller  
Brendan Shea

Motion carried.

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Aaron Ross, 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 PERMANENTLY THE FIVE-YEAR PROFESSIONAL COMPREHENSIVE HIGH SCHOOL TEACHING LICENSE OF CURTISS L. HARRIS**

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

WHEREAS Curtiss L. Harris holds a five-year professional comprehensive high school teaching license issued in 2018 with an effective year of 2019; and

WHEREAS on August 7, 2020, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Curtiss L. Harris of its intent to determine whether to limit, suspend, revoke, or permanently revoke his five-year professional comprehensive high school teaching license issued in 2018 with an effective year of 2019 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Harris' 2019 conviction in the Berea Municipal Court for one misdemeanor count of underage person offense concerning alcohol; and

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

WHEREAS a hearing was held on July 20, 2021; and

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

WHEREAS the hearing officer recommends that Mr. Harris' license 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 the following: Mr. Harris' criminal conviction for one misdemeanor count of underage person offense concerning alcohol; Mr. Harris



attempting to engage in sexual activity with a student at his home; and that Mr. Harris' continued licensure would negatively impact the health, safety or welfare of the school community and/or statewide education community and the school community cannot risk a repeat of Mr. Harris' 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** Curtiss L. Harris' five-year professional comprehensive high school teaching license issued in 2018 with an effective year of 2019 based upon Mr. Harris' 2019 conviction in the Berea Municipal Court for one misdemeanor count of underage person offense concerning alcohol. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Curtiss L. Harris 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 Interim State Superintendent of Public Instruction be, and she hereby is, directed to notify Mr. Harris of this action.

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

President McGuire called for a roll call vote.

YES VOTES

Christina Collins	Stephen Dackin
Walter Davis	Diana Fessler
John Hagan	Kirsten Hill
Meryl Johnson	Jenny Kilgore
Mark Lamoncha	Paul LaRue
Martha Manchester	Charlotte McGuire
Tim Miller	Antoinette Miranda
Brendan Shea	Mike Toal

Motion carried.

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

15. **RESOLUTION TO VACATE THE RESOLUTION ADOPTED BY THE STATE BOARD OF EDUCATION ON JULY 15, 2021 REGARDING THE FIVE-YEAR SUBSTITUTE CAREER TECHNICAL TEACHING LICENSE**

**OF ANGELA S. ERWIN AND TO DIRECT THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO RESTART DISCIPLINARY PROCEEDINGS**

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

WHEREAS Angela S. Erwin holds a five-year substitute career technical teaching license issued in 2018 with an effective year of 2017; and

WHEREAS on April 28, 2021, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Angela S. Erwin of its intent to determine whether to limit, suspend, revoke, or permanently revoke her five-year substitute career technical teaching license issued in 2018 with an effective year of 2017 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Erwin's 2020 conviction in the Napoleon Municipal Court for one misdemeanor count of disorderly conduct stemming from an incident in which she was originally charged with domestic violence following allegations that she struck her minor daughter in the side of the head, pulled her to the ground by her hair, and kicked her about the legs and stomach; and

WHEREAS the Department of Education, in accordance with Section 119.07 of the Ohio Revised Code, mailed said notice with certificate of mailing via U.S. First Class Mail to Ms. Erwin's last known address after a prior attempt to serve Ms. Erwin on March 18, 2021 with the notice via certified mail was returned as unclaimed; and

WHEREAS the notice informed Ms. Erwin that if she 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 her five-year substitute career technical teaching license issued in 2018 with an effective year of 2017; and

WHEREAS Angela S. Erwin did not request a hearing in accordance with Section 119.07 of the Ohio Revised Code; and

WHEREAS on July 15, 2021, the State Board of Education permanently revoked Ms. Erwin's five-year substitute career technical teaching license.

WHEREAS on or about November 8, 2021, counsel representing Ms. Erwin informed the Department that Ms. Erwin did not receive a copy of the notice sent to Ms. Erwin on April 28, 2021.

WHEREAS Ms. Erwin applied for a license on February 20, 2018 and did not update her address on file with the Department of Education at that time, or at any point prior to the State Board of Education's July 15, 2021 resolution permanently revoking her five-year substitute career technical teaching license issued in 2018 with an effective year of 2017; and

WHEREAS the Department of Education subsequently learned that Ms. Erwin no longer resides at the address on file and Ms. Erwin requests the Department reissue its notice and allow her the opportunity to request a hearing; Therefore, Be It

RESOLVED, That the State Board of Education hereby **VACATE** its prior resolution permanently revoking Angela S. Erwin’s five-year substitute career technical teaching license issued in 2018 with an effective year of 2017 and **DIRECTS** the State Superintendent of Public Instruction to restart disciplinary proceedings against Ms. Erwin in accordance with Chapter 119 of the Ohio Revised Code, based upon Ms. Erwin not having actual receipt of the Notice of Opportunity for a Hearing; and Be It Further

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

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

President McGuire called for a roll call vote.

**YES VOTES**

Christina Collins	Stephen Dackin
Walter Davis	Diana Fessler
John Hagan	Kirsten Hill
Meryl Johnson	Jenny Kilgore
Mark Lamoncha	Paul LaRue
Martha Manchester	Charlotte McGuire
Tim Miller	Antoinette Miranda
Brendan Shea	Mike Toal

Motion carried.

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President McGuire presented the following recommendation (Item 16):

**16. RESOLUTION TO APPOINT MEMBER TO THE STATE LIBRARY BOARD**

The State Board hereby **ADOPTS** the following:

Ohio Revised Code Section 3375.01 charges the State Board of Education with appointing members of the State Library Board.

Dr. Tracy Najera has completed her five-year term on the State Library Board as of December 31, 2021;

The State Library Board has nominated two individuals for the open seat on the State Library Board.

The State Board of Education has reviewed the qualifications of the candidates for the State Library Board.

NOW, THEREFORE BE IT RESOLVED, that the State Board of Education hereby appoints the following individual to the State Library Board for a five-year term beginning on January 1, 2022.

Nominees:

- 1) Deanna McDaniel
- 2) Andrew S. Wichterman

Appointed: Andrew S. Wichterman

President McGuire opened the floor for nominations.

Ms. Johnson Moved the nomination for Deanna McDaniel. Mr. Hagan Moved the nomination for Andrew S. Wichterman.

Dr. Kilgore Moved to close nominations. Mr. Shea seconded the motion. President McGuire asked if there were any objections to closing nominations. There were no objections.

Ms. Johnson and Mr. Hagan spoke in favor of their nominations.

Mrs. Fessler stated in the past, these individuals would have appeared before the Board so that Board members would have the opportunity to ask questions. She asked Board leadership to take this into consideration.

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

DEANNA MCDANIEL

Christina Collins  
Paul LaRue  
Tim Miller

Meryl Johnson  
Martha Manchester  
Antoinette Miranda

ANDREW S. WICHTERMAN

Stephen Dackin  
John Hagan  
Jenny Kilgore  
Charlotte McGuire  
Mike Toal

Walter Davis  
Kirsten Hill  
Mark Lamoncha  
Brendan Shea

ABSTAIN

Diana Fessler

Andrew S. Wichterman received nine votes and the appointment to the Educator Standards Board.

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President McGuire presented the following recommendation (Item 17):

**17. RESOLUTION APPOINTING MEMBER TO THE EDUCATOR STANDARDS BOARD – MIDDLE SCHOOL PRINCIPAL**

The State Board of Education **ADOPTS** the following:

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

Ohio Revised Code Section 3319.60 directs the State Board of Education to appoint to the Educator Standards Board ten public school teachers, one non-public school teacher, five administrators, one school board member and one parent representative;

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

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

NOW, THEREFORE, BE IT RESOLVED, that the State Board of Education hereby appoints the following individual to the Educator Standards Board for the position noted below for a two-year term beginning the date of the resolution and expiring on June 30, 2023:

Nominees:

- 1) William Joseph Friess
- 2) Casey Smith

Appointed: Casey Smith - Middle School Principal

President McGuire opened the floor for nominations.

Mr. Shea Moved the nomination for Casey Smith.

Dr. Kilgore Moved to close nominations. Mr. LaRue seconded the motion.

Mr. Shea spoke in favor of his nomination.

Mr. LaRue spoke in favor of Casey Smith.

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

CASEY SMITH

Walter Davis  
John Hagan  
Jenny Kilgore  
Paul LaRue  
Charlotte McGuire  
Antoinette Miranda  
Mike Toal

Diana Fessler  
Kirsten Hill  
Mark Lamoncha  
Martha Manchester  
Tim Miller  
Brendan Shea

ABSTAIN

Christina Collins  
Meryl Johnson

Stephen Dackin

Casey Smith received thirteen votes and the appointment to the Educator Standards Board.

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President McGuire presented the following recommendation (Item 18):

**18. RESOLUTION TO ADOPT THE RECOMMENDATION OF THE HEARING OFFICER AND TO APPROVE BRECKSVILLE-BROADVIEW HEIGHTS CITY SCHOOL DISTRICT'S DETERMINATION OF IMPRACTICAL TRANSPORTATION AND PAYMENT IN LIEU OF TRANSPORTATION OF CERTAIN STUDENTS ATTENDING LAWRENCE UPPER SCHOOL, SUMMIT COUNTY.**

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

Pursuant to Ohio Revised Code Sections 3327.01 and 3327.02, Brecksville Broadview Heights City School District ("Brecksville Broadview HSD") determined it is impractical to transport students from Brecksville Broadview HSD to Lawrence Upper School, Summit County;

A hearing was held on July 28, 2021, before a duly appointed hearing officer;

In the Report and Recommendation of the Hearing Officer, filed on or about October 12, 2021, hearing officer Karl Schedler recommends the Board approve Brecksville Broadview HSD's determination of impractical transportation and payment in lieu of transporting certain resident students attending Lawrence Upper School; and

Based on the evidence presented and factors set forth in ORC 3327.02, the hearing officer found approve Brecksville Broadview HSD's arguments persuasive, and determined that Brecksville Broadview considered the six statutory factors in deciding whether to offer payment in lieu. These include: 1) The time and distance required to provide transportation, 2) The number of students to be transported, 3) The cost of providing transportation in terms of equipment, maintenance, personnel, and administration, 4) Whether similar or equivalent service is provided to other students eligible for transportation, 5) Whether and to what extent the addition service unavoidably disrupts current transportation schedules, and 6) Whether other reimbursable types of transportation are available.

NOW, THEREFORE, BE IT RESOLVED, the Board hereby adopts the recommendation of the hearing officer and approves Brecksville Broadview HSD's determination, made in November 2020 by the Brecksville Broadview HSD Board of Education, of impractical transportation and payment in lieu of transporting certain students attending Lawrence Upper School for all the reasons set forth in the hearing officer's report and recommendation; and

BE IT FURTHER RESOLVED, that the Superintendent of Public Instruction be, and hereby is, directed to serve a true copy of this resolution on the petitioners, Brecksville Broadview HSD, and counsel of record, if applicable.

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

President McGuire called for a roll call vote.

**YES VOTES**

Christina Collins	Stephen Dackin
Walter Davis	Diana Fessler
John Hagan	Kirsten Hill
Meryl Johnson	Jenny Kilgore
Mark Lamoncha	Paul LaRue
Martha Manchester	Charlotte McGuire
Tim Miller	Antoinette Miranda
Brendan Shea	Mike Toal

Motion carried.

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**PUBLIC PARTICIPATION ON NON-VOTING AGENDA ITEMS**

- 1) Mr. Nicholas Szucs, Solon. Mr. Szucs spoke to the Board regarding Deaf education in Ohio. A written copy of the testimony was provided.
- 2) Ms. Alison Paxson, Policy and Communications Associate for the Children’s Defense Fund-Ohio (CDF-Ohio). Ms. Paxson provided written testimony to the Board regarding the candidates for the role of State Superintendent of Public Instruction.

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**Non-Resolutions**  
**Old Business**

Dr. Collins asked what the state Board’s role was regarding the Dyslexia Guidebook. She stated there was a concern in her districts with professional development hours and requested clarification. Dr. Melissa Weber-Mayer responded the state Board is responsible for approving the Dyslexia Guidebook. The Guidebook is not complete at this time. The Committee would be meeting tomorrow. Requests for input have been sent to the associations for their leadership to provide initial feedback. Mrs. Fessler requested the full text of the feedback.

President McGuire asked that Board members send all requests from the public to Mr. Goodman with she and Mr. Dackin being copied on the request.

President McGuire thanked Board members who had provided suggestions to Board leadership regarding a variety of topics for consideration.

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**New Business**

Vice President Dackin requested Emergency Consideration for Item 19. Board leadership granted Emergency Consideration for Item 19.

- 19. I MOVE THAT THE STATE BOARD OF EDUCATION AUTHORIZE THE STATE BOARD PRESIDENT, VICE PRESIDENT DACKIN, AND SEARCH COMMITTEE TO WORK WITH OHIO DEPARTMENT OF EDUCATION TO OFFER A CONTRACT TO A QUALIFIED BIDDER TO CONDUCT THE SEARCH FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND FOR THE WORK TO BEGIN AS SOON AS POSSIBLE AND AS PERMISSIBLE BY LAW.**

It was Moved by Mr. Dackin and Seconded by Mrs. Hill that the above recommendation (Item 19) be approved.

Mr. Hagan stated that when other entities are included in the motion, and unless it is clarified they are just listed as being in an advisory position, there could be the possibility of having several signatures on a document that are not appropriate.

After discussion, the following changes were made.

**I MOVE THAT THE STATE BOARD OF EDUCATION AUTHORIZE THE STATE BOARD PRESIDENT MCGUIRE, ~~VICE PRESIDENT DACKIN~~, IN CONSULTATION WITH ~~THE~~ AND SEARCH COMMITTEE TO WORK WITH OHIO DEPARTMENT OF EDUCATION TO OFFER A CONTRACT TO A QUALIFIED BIDDER TO CONDUCT THE SEARCH FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND FOR THE WORK TO BEGIN AS SOON AS POSSIBLE AND AS PERMISSIBLE BY LAW**

Mrs. Fessler suggested adding the word "Ohio" before state Board of Education and removing the word "Ohio" before Ohio Department of Education. President McGuire asked if there were any objections. There were no objections.

Ms. Johnson called the question. Dr. Kilgore seconded the motion. President McGuire asked if there were any objections. Objections were noted.

President McGuire called for a roll call vote to call the question.

**YES VOTES**

Christina Collins  
Jenny Kilgore  
Paul LaRue  
Charlotte McGuire  
Antoinette Miranda

Meryl Johnson  
Mark Lamoncha  
Martha Manchester  
Tim Miller

**NO VOTES**



Minutes of the December 2021 Meeting of the State Board of Education of Ohio

Stephen Dackin  
Diana Fessler  
Kirsten Hill  
Mike Toal

Walter Davis  
John Hagan  
Brendan Shea

Motion defeated.

Mr. Shea suggested the following changes;

- 19. I MOVE THAT THE OHIO STATE BOARD OF EDUCATION AUTHORIZE THE STATE BOARD PRESIDENT MCGUIRE, IN CONSULTATION WITH THE SEARCH COMMITTEE, TO WORK WITH THE OHIO DEPARTMENT OF EDUCATION TO OFFER A CONTRACT TO A QUALIFIED BIDDER TO CONDUCT THE SEARCH FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND FOR THE WORK TO BEGIN AS SOON AS POSSIBLE AND AS PERMISSIBLE BY LAW.**

President McGuire asked if there were any objections to the suggested edits by Mr. Shea. There were no objections.

President McGuire called for a roll call vote on the proposed motion.

**YES VOTES**

Christina Collins  
Walter Davis  
John Hagan  
Jenny Kilgore  
Paul LaRue  
Charlotte McGuire  
Antoinette Miranda  
Mike Toal

Stephen Dackin  
Diana Fessler  
Kirsten Hill  
Mark Lamoncha  
Martha Manchester  
Tim Miller  
Brendan Shea

Motion carried.

Mr. Davis noted Governor DeWine had recently signed Senate Bill 1, which adopted Financial Literacy curriculum for K-12 in the state of Ohio. He stated there was a gap in those standards in that they do not address free market capitalism and how it works. He suggested the state Board take action to modify those standards to include an element that explains free market capitalism and how it works. Interim Superintendent Siddens recommended Mr. Davis work with the Teaching, Leading and Learning Committee. Mr. LaRue stated a great deal of this work is found in the economic standards.

President McGuire stated Dr. Kilgore had agreed to become the new chair of the Integrated Student Supports Committee and Michelle Newman would assume the role of vice chair.

Mrs. Fessler stated she had been told students that are in career schools are not required to take history or civics. She asked for confirmation of this and stated she did not believe this was a good plan. She stated she was also told by a teacher that history is the only subject that can be taught by someone without receiving any education in that area. Interim Superintendent Siddens responded

Minutes of the December 2021 Meeting of the State Board of Education of Ohio

there would be a follow up to the questions and possible referral to the Teaching, Leading and Learning committee.

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Mr. Hagan Moved to adjourn the meeting. Mr. Davis Seconded the motion.

The President requested a voice vote.

Motion carried.

President McGuire adjourned the meeting at 3:45 p.m. The next regularly scheduled meeting of the State Board of Education is January 10-11, 2021.

ATTEST:



Charlotte McGuire  
President  
State Board of Education



Dr. Stephanie K. Siddens  
Interim Superintendent of Public Instruction

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