

**STATE BOARD OF EDUCATION OF OHIO  
MINUTES**

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

**MEMBERS OF THE STATE BOARD OF EDUCATION**

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

**EX OFFICIO MEMBERS**

Senator Andrew Brenner	Representative Gayle Manning
------------------------	------------------------------

**SECRETARY**

Paolo DeMaria  
Superintendent of Public Instruction

---

The State Board convened a virtual Board meeting on Monday, February 8.

---

**STATE BOARD BUSINESS MEETING**

President Kohler convened the Business meeting of the State Board of Education on Monday, February 8, 2021, at 8:30 a.m.

President Kohler asked the Recording Secretary to call the roll.

**YES VOTES**

Christina Collins	Stephen Dackin
John Hagan	Meryl Johnson
Jenny Kilgore	Laura Kohler
Mark Lamoncha	Paul LaRue
Martha Manchester	Charlotte McGuire
Tim Miller	Antoinette Miranda
Eric Poklar	Brendan Shea

Motion carried.

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

---

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

There were no corrections.

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

Motion carried.

---

### **State Board of Education Board Member Introductions**

Board members Laura Kohler, Charlotte McGuire, Dr. Christina Collins, Steve Dackin and Senator Andrew Brenner briefly introduced themselves to fellow Board members and meeting attendees.

---

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

Topics of discussion were:

- Discuss: OAC 3301-24-11 Alternative Principal License (Possible Vote)
  - Discuss: OAC 3301-24-12 Alternative Superintendent License & Alternative Administrative Specialist License (Possible Vote)
  - Discuss: OAC 3301-24-13 Relinquishment of License or Teaching Field (Possible Vote)
- 

The Board's Emerging Issues and Operational Standards Committee met beginning at 10:30 a.m.

Topics of discussion were:

- Discuss: Post-Pandemic Focus: Remote Education
  - Discuss: OAC 3301-19-01 School District Expenditure Flow Reports
- 

The Board's Performance & Impact Committee met beginning at 12:30 p.m.

Topics of discussion were:

- Discuss: Report Card Update

---

The Board's Integrated Student Supports Committee met beginning at 2:00 p.m.

Topics of discussion were:

- Discuss: Operating Standards for the Education of Children with Disabilities
  - 3301-51-08 Parentally Placed Non-Public School Children
  - 3301-51-10 Transportation of Children with Disabilities
  - 3301-51-20 Transfers to Ohio State School for the Blind and Ohio School for the Deaf
  - 3301-51-21 Instructional Materials for Children with Visual Impairments
- Discuss: Student Wellness and Success Funds
- Discuss: Pandemic Supports and Strategic Plan Strategy Updates

---

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

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

- Auditor's Performance Audit
- District Equity Presentation – Athens City Schools
- Governor Mike DeWine's Recommended Budget

### **AUDITOR'S PERFORMANCE AUDIT**

Introductory Remarks: Auditor of State, Keith Faber

Presenter: Betsy Bashore, Deputy Director, Auditor of State. Lori Gabet, Senior Performance Project Manager, Auditor of State.

#### **Project Timeline**

- 1) 12/11/2019 – Notice of Engagement
- 2) 12/13/19 – Entrance Conference
- 3) 4/22/20 – Scope Delivery
- 4) 6/26/20 - Status Update #1 with ODE
- 5) 8/31/20 – Status Update #2 with ODE
- 6) 9/24/20 – Status Update #3 with ODE
- 7) 10/2/20 – Exit Conference
- 8) 1/26/21 – Audit Release Date

#### **Audit Scope Areas**

- Student Success
- Ohio Student Assessments
- Education Management Information Systems (EMIS) & Data Management
- State Foundation Payment Process
- Information Technology

#### **Noteworthy Accomplishments within Information Technology Agile Method Project Management**

- ODE has used the Agile Method for several years. It is considered a best practice within the IT sector. The Agile Method requires less resource time, decreases risk by minimizing confusion, and leads to greater employee satisfaction.

#### **Project Implementation Team**

- ODE leadership created a project implementation team to ensure implementation and adoption of major undertakings focused on policy, program and technology.

#### **Student Success**

What opportunities exist to increase student achievement by modeling practices used by consistently high performing traditional school districts and implementation of ODE improvement initiatives?

This section is divided in two sub-sections:

1. Expenditure/Achievement  
(CUPP Report Analysis)
2. ODE Improvement Initiatives  
(Business Intelligence)
  - State Support Teams (SSTs) Case Study
  - District Reviews Case Study

#### **Student Success - Expenditure/Achievement Recommendation**

- ODE should monitor districts it deems to be high performing or high improving, particularly those that achieve results at lower-than-average expenditure levels in order to determine any trends or characteristics unique to those districts. This information can be used to assist other districts in areas of:
  - Strategic spending;
  - Program utilization; and
  - Resource allocation.

#### **Conclusion**

- Expenditure levels do not determine Performance Index Scores.
- As total district expenditures increase, expenditures increase in all areas (administrative, building operation, instructional, pupil support, and staff support).
- Among high performing districts, the ability to generate local revenue was the factor most strongly correlated with expenditures.

#### **Student Success - Improvement Initiatives Recommendation**

To measure the outcomes of specific improvement initiatives, ODE should collect sufficient business intelligence to make quantitative determinations of program success and failure. A criteria framework could help guide consistent development and help to ensure that results are specific, measurable, attainable, reasonable, and timely.

#### **State Support Teams**

- Assignable – Improvement areas in FY 2018 evaluations did not specify who would complete each one.
- Time Related – FY 2018 evaluations did not provide a time frame for correcting improvement areas and FY 2019 evaluations did not follow up.

#### **District Reviews**

- Specific – recommendations included generalizations at times

- Realistic – recommendations not always useful
- Time-Related – timing of feedback did not allow districts to implement recommendations in desired time frame

### **Conclusion**

- Across the 68 student achievement initiatives ODE identified, many were missing actionable indicators of program success or failure.
- These gaps in business intelligence constrain efforts to quantify year-over-year program improvement, as well as relative rankings of program effectiveness.
- ODE's current data constraints have implications for agency budgeting, student performance, and public transparency.

### **Ohio Student Assessments**

What opportunities exist to improve student assessment implementation?

### **Recommendation**

ODE should more clearly convey the purpose and importance of specific standardized tests to stakeholders to increase shared understanding of testing goals. While ODE administers tests based on federal and state requirements, we found that the majority of LEA officials felt that testing requirements were too time-consuming at all grade levels.

### **Conclusion**

- The amount of time spent on state administered assessments is below 2.0 percent of classroom time as recommended by the U.S. Department of Education and required by ORC §3301.0729.
- Superintendents who responded to our survey did not view student assessments as the best measure of achievement.
- Feedback from LEAs should be taken into account when determining if assessments beyond those which are federally required is proper and adequate.

What opportunities exist to improve the assessment development process?

### **Recommendation**

ODE should identify key metrics related to the practice assessment website, such as user log-in data, amount of time spent on the website, and the types of assessments accessed. Data related to these metrics should be collected and analyzed for use in future decision making.

### **Conclusion**

- Regularly tracking key metrics on ODE's practice test website could yield multiple benefits, such as log-in data, amount of time spent on the website, and which practice exams are accessed.
- Identifying who is logging into the practice website would allow ODE to assist LEAs in complying with ORC §3301.0729 and tracking this information would allow ODE to better understand the usefulness of the practice test website for LEAs.

### **Issue for Further Study**

- The General Assembly, with support from the Department and Governor's Office should conduct additional analysis on the cost of student assessment design, implementation, scoring, and assessment results application.
- The General Assembly and ODE should work to achieve general agreement on the cost/benefit and desired outcomes of the student assessment process.

### **EMIS & Data Management**

What opportunities exist to improve the accuracy, efficiency, and effectiveness of the data generated by EMIS?

#### **Recommendation**

ODE should make strategic improvements to its internal processes involving EMIS to enhance user experience and ensure user needs are met.

- **EMIS Manual Revisions:** Continue to improve the EMIS manual relative to language, guidance, and searchability.
- **Stakeholder Communication:** Continue to improve communications with stakeholders relative to timing of specific requirements.
- **Training Opportunities:** Ensure training is appropriate and available for stakeholders, particularly for superintendents and treasurers.
- **Duplicative Data:** Remove data reporting requirements that are duplicative in nature or no longer used by ODE.
- **Customization:** Increase opportunities for customization of EMIS reports.

Further, ODE should review the feedback from their Program Offices and LEA officials and implement changes to address identified areas of improvement.

#### **Conclusion**

- Increasing the efficiency of EMIS, and the effectiveness of the EMIS Manual, could provide for improved data accuracy and quicker turnaround times on data reporting submission.
- This in turn could allow ODE the ability to improve the efficiency of their report generation, and funding time frames.

### **State Foundation Payment Process**

What opportunities exist to improve the efficiency and effectiveness of the foundation payment process, particularly the final payment adjustments?

#### **Recommendation**

ODE should implement strategic changes to internal processes in order to finalize school foundation funding prior to November 30th. These changes may include:

- An earlier window for Funding Appeals;
- An earlier deadline for provider invoicing for the Jon Peterson and Autism scholarships;
- An earlier deadline for completion of Community School FTE reviews; and
- A reevaluation of staffing commitments during Report Card processing.

#### **Conclusion**

- Finalizing payments earlier would allow for a more streamlined budget process at the state level and reduce the amount of time invested by LEAs and ODE in the adjustment and appeals process.
- Additionally, the shorter time frame would benefit LEAs and their budgeting and financial management processes as well.

### **Information Technology**

What opportunities exist to improve the efficiency and effectiveness of **IT governance** in relation to industry standards and/or leading practices?

#### **Recommendation**

ODE should further enhance its IT governance by developing an IT strategic plan aligned with the Department's broader strategic plan. The governance process should contain project prioritization and encourage portfolio management.

**Conclusion**

An IT strategic plan:

- Operates as a formal framework which ensures Information Technology Office (ITO) investments and projects support ODE;
- Ensures projects stay on track and on plan, and meet the needs of stakeholders; and
- Prioritizes projects based on Departmental needs and goals, directing funds to the most critical investments and projects.

What opportunities exist to improve the efficiency and effectiveness of cloud migration in relation to industry standards and/or leading practices?

**Recommendation**

ODE should develop a cloud migration strategy that establishes funding sources and prioritizes migration based on business use case justification. This strategy should be included in an IT strategic plan.

**Conclusion**

- Cloud computing provides advantages over other forms of processing:
  - Broader network access;
  - Better pooling of resources; and
  - Rapid scale relative to required demand.
- ODE should prioritize applications that will increase efficiency and capacity.

What opportunities exist to improve the efficiency and effectiveness of staffing levels in the IT program office in relation to industry standards and/or leading practices?

**No Recommendation**

ODE's ITO is staffed consistent with industry standards.

- ODE dedicates a higher percentage of employees to application development and support compared to other agencies due to an internal management decision to complete application development work internally rather than outsourcing.
- DAS Office of Information Technology's efforts to consolidate and centrally operate infrastructure frees up agency resources for application development.

**ODE FY22-23 EXECUTIVE BUDGET RECOMMENDATIONS**

**Topics**

1. Update on FY21 (current year) budget
2. Total FY22-23 education budget
3. New and expanded budget initiatives

**FY21 Executive Budget Reductions Finalized**

- FY21 GRF revenues are above estimates.
- Governor DeWine released \$160 million of the \$335 million original reduction to education.
  - \$152 million to traditional districts. Net state foundation reductions are \$125 million for FY21.

- \$4.9 million returned to non-public schools.
- Fully fund half-mill maintenance equalization payments to schools.
- Additional funding for the 22+ Adult Diploma Program.
- Establishes revised baseline for FY22-FY23 recommendations.

**FY22-23 State GRF- All Agencies**

Primary and Secondary Education grows by 252.5M in the first year of the biennium and decreases by 31.2M in the second. In total, Governor DeWine’s budget recommends an additional \$476.1 million in new GRF funds for primary and secondary education over the biennium. The decrease in the second year is primarily due to a projected increase in Lottery Profits in the second year that reduces the need for GRF resources.

Overall growth in the overall GRF portion of the budget is 7.0% in the first year, and 6.7% in the second. The growth in the second year is primarily attributable to Medicaid.

**FY22 All Funds Budget – 13.4 Billion**

General Revenue; 60.8%  
Federal; 25.5%  
State Lottery Fund; 9.2%  
Other State Sources; 4.4%

The increase in federal emergency COVID relief funding has increased the size of federal funding ODE typically operates with around \$2.0B.

**Budget Highlights & Governor’s Priorities**

**Restoration of State Foundation Funding**

- Fully restores funding to pre-pandemic levels.
- Additional \$125 million for traditional districts in FY22 compared to FY21 levels.
- Additional \$3.5 million for non-public school funding lines.

**Student Wellness and Success Funding**

\$1.1 billion in funding over the biennium compared to \$675 million in the current biennium.

- \$500 million-FY22
- \$600 million-FY23

**Student Wellness and Success Funding**

- Provided on a per-pupil basis.
- Scaled based on census poverty levels.
- All traditional districts, joint vocational school districts, and community schools receive at least as much as the prior year.
- Funding paid directly to educating entity.

**Federal Funds - More than \$2 billion over the biennium**

- Additional federal Elementary and Secondary School Emergency Relief Funding.
- Appropriation so schools can continue to access Coronavirus Relief Funding and Governor’s Emergency Education Relief Funding.

**STEM and Career-Based Learning**

- \$20.5 million annually - Industry Recognized Credentials & Innovative Workforce Incentive Program.
- \$450,000 annually - P-Tech Educational Model



## Other Budget Items

**Early Childhood Education:** The Department’s Early Childhood Education grants enable local providers to serve more than 18,000 children in high-quality programs. The governor’s budget continues this level of service (GRF line item 200408).

**Prevention Education:** The current budget invested \$18 million to purchase evidence-based prevention curricula for Ohio schools – addressing the topics of drug and substance use, suicide and violence prevention – through the Ohio Department of Mental Health and Addiction Services and in partnership with local alcohol, drug and mental health boards. This one-time allocation of funds was supported with \$2 million in the Department’s budget to partner with Ohio’s educational service centers to conduct professional development for teachers on prevention education. The executive budget proposal includes continued funding for prevention education (line item 200448).

**Assessment and Accountability/Report Cards (line items 200437 and 200439):** As a result of the ordered school building closure and the suspension of testing in the spring of 2020, the Department was able to realize significant savings in the cost associated with the state testing system and the production of the state report card. The executive budget increases both lines by a combined \$5.8 million in FY2022. These recommended funding levels support a return to a normal level of activity for both assessments and accountability but remain below the FY2021 appropriated funding levels.

**Department of Education Operations:** Flat funding for most operating line items.

**Investing in second-career educators:** The executive budget recommends increasing state support to programs authorized in state law that promote bringing non-traditional educators into our schools. Funding is provided to support BRIGHT New Leaders for Ohio Schools and Teach for America at the levels these organizations were generally funded at in the current biennium (GRF line item 200448 – Educator Preparation).

## Other Agency Budget Items

- Department of Development: Additional funding for TechCred and BroadbandOhio.
- Job & Family Services: Expanded eligibility for publicly funded childcare; increased funding for Governor’s Imagination Library and Child Protective Services.
- Developmental Disabilities: More funding for Early Intervention Programs.
- Health: Additional funding for Help Me Grow.
- Public Safety: Ohio School Safety Center

## Timeline

- February 2021: Governor submits FY22-FY23 budget proposal to legislature
- Feb. - April 2021: Consideration in House of Representatives
- April - June 2021: Consideration in Senate
- June 2021: Conference Committee
- July 1, 2021: FY22-FY22 biennium begins

## ATHENS CITY SCHOOL DISTRICT: EQUITY ACTIVITIES AND HIGHLIGHTS

Presenter: Dr. Thomas Gibbs, Superintendent, Athens City Schools.

### **Getting our attention....**

At the end of the 2018-2019 School Year an incident occurred between two students that included the use of racial name-calling and resulted in a fight. This brought greater attention to the need to more explicitly address racially based bias and discrimination throughout the District.

### **Identifying the Need**

**Survey:** A survey that was open to all students, staff, faculty, parents and community was advertised and a link posted to the District website. We received nearly 800 responses and identified in the data clear concerns with perceived bias and discrimination based on the identifiers of race, ethnicity, socio-economic status, and LGBTQ identity.

**Focus Groups:** The District hosted a series of focus groups with students, parents and members of the community to discuss in more detail the results of the survey. The additional information gathered in the focus groups helped us to identify the following areas where work was needed:

**Modify Biased Policies:** Review policies and procedures (student handbooks, discipline procedures, etc.) to identify areas where our practices may be biased against a particular group of students.

**Early Grades Education:** Establish an early education initiative for all students Grades K-6 to address issues related to *being a member of a community* and *healthy relationships* (Responsive Classroom).

**History of Racism and Discrimination:** Identify specific activities to be embedded in the curriculum to provide explicit instruction as to the history of racism, as well as discrimination against other marginalized groups.

**Faculty and Staff Professional Development:** Provide professional development for faculty and staff in areas related to implicit bias, microaggressions, responding to discrimination, and having difficult discussions with students about curricular topics related to bias and discrimination (i.e. slavery, Japanese internment camps, etc.)

### **The Response**

**Elementary Grades - Responsive Classroom:** Every teacher in grades K-6 was trained in *Responsive Classroom* and encouraged to use the core practices in their daily class activities. Responsive Classroom is an evidence-based approach to teaching and school climate that focuses on academics, positive community, effective management, and developmental awareness.

**Middle Grades – Davison Club:** A teacher at Athens Middle School organizes the *Andrew Jackson Davison Club* (Davison was the first African American attorney in Athens). This club served as a venue for middle school students to engage and discuss issues of prejudice, racism and discrimination. The club also played a lead role in organizing the district's first Black History Month event

**High School - Racial Bias and Discrimination Course:** A new course on *Racial Bias and Discrimination* is offered at Athens High School. There were 22 students in the first class. The class is taught by local community members who have been active with the *Racial Equity Coalition of Athens*.

**All Staff Implicit Bias Training:** Every employee of the Athens City School District attends a half day training on implicit bias led by members of the community active with the *Racial Equity Coalition*.

**Social Studies Faculty Training:** Middle School and High School Social Studies Teachers have been provided training by *Teaching Tolerance* about how to have difficult conversations on topics related to race in the Social Studies Curriculum. Future training is planned for all teachers on how to introduce topics related to racism into the general curriculum.

**Community Partnerships:** A number of community groups were formed or emerged in the community around the issue of racial equity. These groups support the district's equity activities. They have created strong momentum and energy for our efforts.

- **Athens Parents for Racial Equity:** The Athens Parents for Racial Equality (AP4RE) was created by a group of parents to provide support and assistance to families in the Athens area. They reached out to the District to begin additional conversations related to concerns and how we can work together to address them.
- **Racial Equity Coalition of Athens:** A broader community group, the Racial Equity Coalition of Athens, (hosted by the *Athens Foundation*) was formed. Members of that group (including the districts, Ohio University College of Medicine, and OhioHealth) co-funded and hosted a *Groundwater Training* with the *Racial Equity Institute* and led conversations about community and school-based activities to address issues related to racial discrimination. Members of the City of Athens Community Relations Committee are also involved.

**Book Clubs:** The district started a series of book clubs for teachers and students. The book clubs were operated by the *Athens Mediation Services* and all sessions filled up quickly. The District received multiple requests from teachers and students to continue offering these options. Some of the books included *Stamped* by Ibram X. Kendi and Jason Reynolds, *How to Be an Antiracist* by Ibram X. Kendi, and *So You Want to Talk About Race* by Ijeoma Oluo.

**Athens City School Board Resolution:** The AP4RE requested that the Board of Education openly support equity work by passing a resolution in opposition to discrimination and bias for marginalized groups of students (see next page), which was passed in December.

#### **A Culminating Experience – First Ever Black History Month Event**

The many efforts of the Athens City School District came together in the first ever Black History Month Event in 2020. The event was hosted at Athens Middle School, led primarily by the school's *Andrew Jackson Davison Club* (see above) with many members of the community attending. The district worked with the AP4RE, Racial Equity Coalition of Athens and also the Mt. Zion Preservation Society (a community group supporting the work of renovating and creating a community around the historically black church, Mt. Zion) to create multiple activities for students and the community including several Black History Month celebrations. The Mt. Zion Preservation Society hosted a movie premier for the movie *River of Hope* (about the founding of the first Historically Black College in West Virginia) and worked with the District for a special viewing by students with follow-up Q&A sessions with the Director and Actors.

#### **More to Come**

**Equity Audit:** We are planning to have an equity audit done which will support a more formal Equity Plan to be developed and presented to the Athens City Board of Education.

**School Restructuring:** We are implementing a plan to better serve all students' needs. Instead of two elementary schools with very different student demographics, starting next year we will be serving elementary school age children with a single combined grades 4-5-6 school and two newly configured PK-3 schools. This reconfiguration will allow for greater integration of our student body, which research demonstrates will help support all students in reaching success as they transition to middle school.

---

Review of Written Reports and Items for Vote

---

### **LEGISLATIVE UPDATE**

Presenter: Marjorie Yano, Director, Office of Policy and Legislative Affairs, Ohio Department of Education.

#### **General Updates**

- Welcome Representative Manning and Senator Brenner.
- House and Senate have assigned members to Primary & Secondary Education Committees.
  - Watch committee meetings live on the Ohio Channel.
- Weekly legislative updates contain latest information on new bills and legislative activity.

#### **Priority Legislation**

- House Bill 1 (Callender, Sweeney) – To create a new school financing system for fiscal year 2022 and each fiscal year thereafter.
- House Bill 2 (Carfagna, Stewart) and Senate Bill 8 (McColley) – Regarding broadband expansion, including access to electric cooperative easements and facilities, and to make an appropriation.
- Senate Bill 1 (Wilson, McColley) – Relating to teaching financial literacy in high school.
- Closing out the 2020-2021 school year amid the ongoing pandemic (multiple bills).

---

The Board's Executive Committee met beginning at 6:30 p.m.

Topics of discussion were:

- 2021-2022 State Board of Education Meeting Dates (Possible Vote)

---

President Kohler recessed the Board meeting at 6:36 p.m.

---

**RECONVENE STATE BOARD BUSINESS MEETING**

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

President Kohler reconvened the Business meeting of the State Board of Education on Tuesday, February 9, at 9:00 a.m.

President Kohler asked the Recording Secretary to call the roll.

YES VOTES

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

Motion carried.

---

---

**Chapter 119 Hearing**

February 9, 2021  
9:00 a.m.

Hearing Regarding the Amending, Rescinding and Adoption of Rules

President Kohler stated the Board would proceed with the public hearing on the following rule actions:

- The rescission of OAC 3301-1-01 Rule for giving public notice of hearings.
- The rescission and adoption of new OAC 3301-56-02 Reading achievement improvement plans.

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

Ms. Singh presented the following Board Exhibits:

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

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

President Kohler stated that testimony would be received, either orally or in writing, for or against, the amendment of the rules that are under consideration. Anyone who wished to testify must complete the registration sheet. All testimony would be limited to no more than five minutes. If

additional time is needed, consideration would be given to a reasonable extension. Any written testimony would be marked as Group Exhibit 4.

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

---

---

**PUBLIC TESTIMONY ON THE PROPOSED RULE ACTIONS**

Mrs. Fessler submitted a letter to Board members regarding OAC 3301-56-02, Reading Achievement Improvement Plans.

---

---

President Kohler called on Ms. Yaniko, who submitted into evidence State Board Exhibits 1 through 3 including the letter from Mrs. Fessler.

President Kohler stated that the exhibits were so received. As there was no more testimony, she declared the public hearing closed at 9:06 a.m.

---

---

**State Board of Education Board Member Introductions**

Board members John Hagan, Kirsten Hill, Meryl Johnson, Dr. Jenny Kilgore, Mark Lamoncha, Paul LaRue and Martha Manchester briefly introduced themselves to fellow Board members and meeting attendees.

---

---

**PUBLIC PARTICIPATION ON VOTING AGENDA ITEMS**

There was no Public Participation on Voting Agenda Items.

---

---

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

- 1) Mr. Phillip Wagner, Superintendent and Mr. Todd Griffith, Treasurer, Licking Heights Local School District. Mr. Wagner and Mr. Griffith spoke to the Board regarding school funding. A written copy of their testimony was provided.
- 2) Mr. Jimma McWilson, Director, Campaign for African American Achievement, Mahoning County. Mr. McWilson was unable to speak to the Board due to technical difficulties. President Kohler stated Mr. McWilson would have the opportunity to address the Board at its next meeting. A written copy of his testimony was provided.

3) Ms. Mary Crabtree, Wooster. Ms. Crabtree submitted written testimony to the Board regarding state testing.

4) Ohio's New Educators (ONE), Ohio Education Association (OEA). The group submitted written testimony to the Board regarding the importance of public schools.

---

## EXECUTIVE SESSION AND QUASI-JUDICIAL DISCUSSION

President Kohler called on Vice President McGuire, who Moved that the State Board of Education go into Executive Session pursuant to Ohio Revised Code Section 121.22(G)(1) to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or official; that the State Board of Education go into Executive Session pursuant to Ohio Revised Code Section 121.22(G)(1) to consider the investigation of charges or complaints against a public employee, official, licensee, or regulated individual; that the State Board of Education go into Executive Session pursuant to Ohio Revised Code Section 121.22(G)(3) for the purpose of conferring with legal counsel about matters that are the subject of pending or imminent court action.

Dr. Kilgore Seconded the motion.

The President called for a roll call vote.

### YES VOTES

Christina Collins  
Diana Fessler  
Kirsten Hill  
Jenny Kilgore  
Mark Lamoncha  
Martha Manchester  
Tim Miller  
Michelle Newman  
Brendan Shea

Stephen Dackin  
John Hagan  
Meryl Johnson  
Laura Kohler  
Paul LaRue  
Charlotte McGuire  
Antoinette Miranda  
Eric Poklar  
Mike Toal

Motion carried.

The Board went into Executive Session and Quasi-Judicial discussion at 9:55 a.m.

The Board recessed from Executive Session and Quasi-Judicial discussion at 10:35 a.m.

---

## BOARD PRESENTATIONS AND DISCUSSION FROM THE EXECUTIVE COMMITTEE

Chair: Laura Kohler, Vice Chair: Charlotte McGuire

Mrs. McGuire gave a report from the Executive Committee meeting focusing on the following issues:

**Members Present:** Laura Kohler-Committee Chair, Charlotte McGuire-Committee Vice Chair, Mike Toal, Antoinette Miranda, Paul LaRue, and Martha Manchester.

### 2021-2022 State Board of Education Meeting Dates

- The committee voted on the 2021-2022 State Board of Education meeting dates. The vote passed 5-0.

---

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

Chair: Marth Manchester, Vice Chair: Meryl Johnson

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

**Members Present:** Manchester (Chair), Johnson (Vice-Chair), Fessler, Hill, Miller, Newman, Poklar.

### **Welcome and Introduction**

- Chair Martha Manchester and Vice Chair Meryl Johnson welcomed members to the new committee. Mrs. Manchester introduced Julia Simmerer, Senior Executive Director of the Center for Teaching, Leading and Learning to Members.
- Ms. Simmerer led an introduction of key Center staff responsible for leading the work that Committee Members will review in the coming year.

### **Educator Licensure Rules**

- Thomas McGee, Director of the Office of Educator Licensure, provided Members with an overview of three Ohio Administrative Code rules currently due for five-year review:
  - OAC 3301-24-11 Alternative Principal License
  - OAC 3301-24-12 Alternative Superintendent License and Alternative Administrative Specialist License
  - OAC 3301-24-13 Relinquishment of License or Teaching Field
- Mr. McGee outlined the steps involved in the revision of administrative rules pertaining to educator licensure. Mr. McGee also provided members with a brief overview of the Ohio Educator Standards Board and its authority in the review process of administrative code for educator licensure.
- Committee members reviewed and discussed the proposed rules with department staff.
- Following discussion, the Committee agreed by consensus that a vote to recommend adoption of these rules should be held during the Committee's March meeting.

---

## **BOARD PRESENTATIONS AND DISCUSSION FROM THE EMERGING ISSUES AND OPERATIONAL STANDARDS COMMITTEE**

Chair: Antoinette Miranda, Vice Chair: Steve Dackin

Dr. Miranda gave a report from the Emerging Issues and Operational Standards Committee meeting focusing on the following issues:

**Members Present:** Chair Antoinette Miranda, Christina Collins, John Hagan, Tim Miller, Brendan Shea and Mike Toal were present. Vice Chair Steve Dackin was absent.

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

- Discuss framing the work of the new committee (Supt. DeMaria)
- Discuss Post-Pandemic Focus: Remote Education (RemotEDx partners)
- Introduce OAC 3301-19 School District Expenditure Flow Reports (Scott Hunt)



### **Framing the Work of the Committee**

- Paolo DeMaria, the state superintendent, opened the committee meeting with the purpose of the reorganized committee and topics the committee would present through the year. He also spent time explaining the foundations of how the Department thinks and works, asking what needs the Department must address and whether the actions we take are effective.

### **Post-Pandemic Focus: Remote Education**

- Staff from the Department discussed the RemotEDx structure and the co-design aspect of the work. She introduced the three areas who would be presenting to the committee:
  - RemotEDx Exchange
  - RemotEDx Support Squad
  - RemotEDx Connectivity Champions
- Erica Clay from INFOhio gave committee members information on the history of INFOhio and the work they do for the RemotEDx Exchange which launched in November 2020 in response to COVID-19. The Exchange provides accessibility to curriculum resources and training for Educational Service Center employees who can assist districts and schools on accessing those resources.
- Sandi Preiss from the Montgomery County ESC discussed the role of the ESCs in supporting the RemotEDx Support Squad. She explained the role of the Concierge in acting as a regional liaison, collaborating, and deploying resources to districts and schools.
- Marcy Raymond from the PAST Foundation discussed how they facilitate listening sessions and surveys with students, parents and communities with high needs populations to inform the supports of the RemotEDx services. The PAST Foundation will publish a report on the findings of the surveys and listening sessions.
- Joe Mancini of the Management Council shared how the Management Council created and supports the RemotEDx Connectivity Champions. The Connectivity Champions helped facilitate the awarding the Broadband Connectivity grant. The grant provided \$50 million to 950 district and school awardees around the state which helped close the equity gap in statewide connectivity. The grant addresses lack of access and the affordability of broadband connectivity. He also explained that the Connectivity Champions use connectivity surveys of Ohio's families and utilize the work of other states and community organizations in providing necessary services.
- Paolo DeMaria and the RemotEDx presenters addressed questions regarding:
  - The structure of RemotEDx
  - The Broadband Connectivity grant, including the grant timeframe and plans for longevity
  - How RemotEDx is accountable to the Department
  - How INFOhio finds, reviews and delivers content to schools and districts
  - If INFOhio's resources are searchable by Ohio curriculum standards
  - Who conducts the PAST Foundation's listening sessions and how they are trained

### **OAC 3301-19 School District Expenditure Flow Reports**

- Department staff introduced OAC 3301-19-01, -02 and -03 School District Expenditure Flow Reports that was revised based on the five-year rule review. The expenditure flow reports show how districts spend their budgets on classroom and non-classroom expenses.
- Staff walked committee members through the rule review process and the suggested revisions for OAC 3301-19.
- Committee members will vote on these revisions during the March meeting.

---

**BOARD PRESENTATIONS AND DISCUSSION FROM THE PERFORMANCE & IMPACT COMMITTEE**

Chair: Paul LaRue, Vice Chair: Mark Lamoncha

Mr. LaRue gave a report from the Performance and Impact Committee meeting focusing on the following issues:

**Members Present:** Paul LaRue (Chair), Mark Lamoncha (Vice Chair), Christina Collins, John Hagan, Jenny Kilgore, and Brendan Shea

**Report Card Update**

*Presentation by Dr. Chris Woolard, Senior Executive Director, Center for Performance and Impact*

Dr. Woolard presented an overview of Ohio's accountability system and status of the report cards. The conversation in committee was intended as an introduction, review of past discussions, and sharing resources that will be used in continuing discussions.

**State and Federal Report Card Requirements:** Dr. Woolard gave background on the statutory involvement of the state and federal government in Ohio's current report card system. A supplemental document that includes a comparison matrix of federal requirements, state requirements and the state system was provided to committee members.

**Ohio's 2021 Report Card:** Testing for the current school year is proceeding. ODE staff will continue to monitor and update the committee on additional flexibilities that are granted at the federal level for accountability.

**Improving Ohio's Accountability System:** Many stakeholder groups are interested in improving Ohio's Accountability System. Dr. Woolard provided the committee with resources outlining the workgroups and committees that have examined the system overtime and their findings and recommendations. He also provided a summary of the issues stakeholders hope to address and improve on moving forward.

**Planning for Next Meeting & Adjourn**

- Continued discussions on Ohio's Accountability System and Report Cards
- Follow up on the Standards Confirmation Report issued in 2020.
- Standard setting for the Alternate Assessment for Students with the Most Significant Cognitive Disabilities

---

**BOARD PRESENTATIONS AND DISCUSSION FROM THE INTEGRATED STUDENT SUPPORTS COMMITTEE**

Chair: Charlotte McGuire, Vice Chair: Jenny Kilgore

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

**Members Present:** Charlotte McGuire-Committee Chair, Jenny Kilgore-Committee Vice Chair, Diana Fessler, Meryl Johnson, Mark Lamoncha, Paul LaRue, Michelle Newman and Martha Manchester.

**Operating Standards for the Education of Children with Disabilities**

- Staff provided a brief introduction and overview of the 12 rules that the committee will see over the next several months. In February, March and April, there will be four draft rules presented each month. Then in May, the committee will consider a resolution to recommend all twelve rules be approved by the full board. After this overview, staff provided a more detailed presentation on the stakeholder engagement and proposed rule revisions for four Ohio Administrative Code rules:
  - 3301-51-08 Parentally placed nonpublic school children.
  - 3301-51-10 Transportation of children with disabilities.
  - 3301-51-21 Providing instructional materials to children with visual impairments and others with print disabilities.
  - 3301-51-20 Admission, transfer, suspension, and expulsion standard for the Ohio state schools for the blind and deaf.
- Board Member Questions and Requests: Committee Member Johnson requested data on the diversity of the student body for the Ohio State School for the Blind and Ohio School for the Deaf. Committee Member Kilgore requested the stakeholders who participated in the rule stakeholder meetings and public comment. Committee Member Fessler requested the number of teachers who do not have the proper certification.
- The rules were introduced to the committee this month and committee vote for all twelve rules is tentatively scheduled for May, full board presentation anticipated in June and full board vote anticipated in July.

#### **Student Wellness and Success Funds**

- Staff presented information on the Student Wellness and Success Funds report. Ohio invested \$675 million over two years in student wellness and to help eligible schools and districts, alongside community partners, address the needs of the whole child. Department staff shared the results of the 2019-2020 Student Wellness and Success Fund Report, describing the schools' uses of the funds in Fiscal Year 2020 and highlighting districts' use of the funds for mental health services initiatives. The [full report](#) and more information on Student Wellness and Success Funds can be found on the Department's [webpage](#). The executive budget proposes continuation and increase of Student Wellness and Success Funding in FY22 and FY23.
- Committee members will be sent the link to the Student Wellness and Success Funds district by district simulations for the funding in the Governor's proposed budget.
- The agenda item was discussion only, therefore, there was no action by the committee and the item is not scheduled for full board.

#### **Pandemic Supports and Strategic Plan Strategy Updates**

- Staff shared information on pandemic support initiatives and resources recently released by the Center for Student Supports. This includes the Department's partnership with the Ohio Department of Mental Health and Addiction Services to create and promote a campaign to help students, families and educators cope and get support. Staff also shared updates on Whole Child Framework livestreams and the March release of *Each Child Means Each Child, Ohio's Plan to Improve Educational Experiences and Outcomes for Students with Disabilities*.
- The agenda item was discussion only, therefore, there was no action by the committee and the item is not scheduled for full board.

---

The State Board recessed for lunch.

---

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

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

President Kohler presented the following recommendation (Item 1.A.):

**1.A. RESOLUTION TO ADOPT OHIO ADMINISTRATIVE CODE 3301-32-06.1 / PANDEMIC REQUIREMENTS FOR A LICENSED SCHOOL CHILD PROGRAM AND 3301-37-03.1/ PANDEMIC REQUIREMENTS FOR A LICENSED CHILD DAY-CARE PROGRAM**

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

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

The Board previously adopted versions of OAC 3301-32-06.1 and OAC 3301-37-03.1, as emergency rules on June 9, 2020, August 10, 2020, September 22, 2020, and December 15, 2020. These rules were adopted to align to the requirements of OAC 5101:2-12-02.2 and OAC 5101:2-12-02.3, emergency rules adopted by ODJFS related to COVID-19 mitigation requirements and temporary school-age childcare licenses, respectively. ODJFS is in the process of adopting OAC 5101:2-12-02.2 and OAC 5101:2-12-02.3 as permanent rules.

In order to meet or exceed the requirements of the new permanent licensing rules being adopted by ODJFS, staff recommends the amendment of OAC 3301-32-06.1/ Pandemic Requirements for a Licensed School Child Program. This rule maintains the pandemic school-age licensing requirements of OAC 5101:2-12-02.3 as a permanent licensing option.

In order to meet or exceed the requirements of the rules being adopted by ODJFS, staff recommends the amendment of OAC 3301-37-03.1/ Pandemic Requirements for a Licensed Child Day-Care Program, which incorporates the COVID-mitigation requirements for handwashing, symptom checks, reporting, and face coverings of OAC 5101:2-12-02.2 by reference.

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

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

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

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

Mrs. Hill asked if the intent was for the two drafted rules to match ORC 5101:2-12-02.2. Staff responded this was the intent of the resolution. Mrs. Hill asked for clarification that what the Board is being asked to approve does not currently exist. Superintendent DeMaria responded that the Department is confident the language before the Board will remain the same. This is being brought forward at this time due to time constraints.

Mr. Hagan asked if ODE rules could be worded to say they would follow ODJFS rules to avoid the issue of continually having to submit updates.

Mr. Hagan moved to postpone item 1.A. to the March meeting of the Board. Mr. Miller seconded the motion.

Senator Brenner recommended postponing item 1.A. to the March meeting.

President Kohler asked what the consequences would be to postponing item 1.A. Ms. Singh responded that postponing this item until March would mean there would be greater than a one month lapse for the rules to go into effect and the current rules expiring. Ms. Grove also responded the Department would be unable to enforce the rules during the time they were not in effect.

Mr. Miller asked what the effective date of the ODJFS rules would be. Ms. Grove responded April 1, 2021.

President Kohler called for a roll call vote on the proposed amendment to postpone item 1.A. to the March meeting of the Board.

YES VOTES

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

NO VOTES

Christina Collins	Antoinette Miranda
Michelle Newman	Laura Kohler

Motion carried.

---

President Kohler presented the following recommendation (Item 1):

- 1. RESOLUTION TO ADOPT THE RECOMMENDATION OF THE HEARING OFFICER AND TO APPROVE THE TRANSFER OF SCHOOL DISTRICT TERRITORY FROM THE HILLSDALE LOCAL SCHOOL DISTRICT, ASHLAND COUNTY, TO THE NORTHWESTERN LOCAL SCHOOL DISTRICT, WAYNE COUNTY, PURSUANT TO SECTION 3311.24 OF THE OHIO REVISED CODE.**

I **MOVE** that the State Board of Education **ADOPT** the following Preambles and Resolutions:

Pursuant to Ohio Revised Code (“ORC”) Section 3311.24, residents Jared and Candis Nolletti (“Petitioners”) who reside within the Hillsdale Local School District (Hillsdale LSD) have petitioned for the transfer of school district territory from the Hillsdale LSD, Ashland County, to the Northwestern Local School District (Northwestern LSD), Wayne County;

Hillsdale LSD and Petitioners requested a hearing, which was held on September 17, 2020, before a duly appointed hearing officer;

In her report, submitted November 16, 2020, the hearing officer, Linda F. Mosbacher, recommends that the State Board of Education approve the proposed transfer of territory from the Hillsdale LSD, Ashland County, to the Northwestern LSD, Wayne County, pursuant to ORC 3311.24; and

In the report, hearing officer Mosbacher concludes that in balancing the competing issues and giving primary consideration to the present and ultimate good of all pupils concerned, Petitioners have demonstrated that their established ties and proximity to Northwestern LSD outweigh Hillsdale LSD’s argument that this transfer may lead to additional requests for transfers and may cause future financial harm to the district.

NOW, THEREFORE, BE IT RESOLVED, that upon consideration of the hearing officer’s report and the relevant law, the State Board of Education hereby adopts the recommendation of the hearing officer and approves the request for the transfer of territory from the Hillsdale LSD, Ashland County, to the Northwestern LSD, Wayne County, for the reasons outlined in the hearing officer’s report and recommendation; and

FURTHER RESOLVED, that the Superintendent of Public Instruction be, and he hereby is, directed to serve a true copy of this resolution on the Petitioners, the Hillsdale LSD, Ashland County, the Northwestern LSD, Wayne County, and counsel of record, if applicable.

It was Moved by Mrs. McGuire and Seconded by Mr. Toal that the above recommendation (Item 1) be approved.

Ms. Johnson moved to postpone Item 1 to the March meeting of the Board. Ms. Johnson stated the information provided was incomplete and did not contain the answers from the school district to the 25 questions provided by the Department. Dr. Kilgore Seconded the motion.

President Kohler called for a roll call vote on the proposed motion to postpone Item 1 to the March meeting of the Board.

**YES VOTES**

Christina Collins  
Diana Fessler  
Kirsten Hill  
Jenny Kilgore

Stephen Dackin  
John Hagan  
Meryl Johnson  
Laura Kohler

Mark Lamoncha  
Martha Manchester  
Charlotte McGuire  
Tim Miller  
Antoinette Miranda  
Michelle Newman  
Brendan Shea  
Mike Toal

Paul LaRue

Motion carried.

---

Kelly Edwards, Assistant Director, Office of Professional Conduct, presented the following recommendation (Item 2):

**2. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE PERMANENTLY THE ONE-YEAR EDUCATIONAL AIDE PERMIT OF AMANDA M. DOUGLAS**

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

WHEREAS Amanda M. Douglas held a one-year educational aide permit issued in 2018; and

WHEREAS on February 25, 2020, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Amanda M. Douglas of its intent to determine whether to limit, suspend, revoke, or permanently revoke her one-year educational aide permit issued in 2018 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Douglas' 2018 conviction in the Glouster Mayor's Court for one misdemeanor count of endangering children; and

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

WHEREAS a hearing was held on August 13, 2020; and

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

WHEREAS the hearing officer recommends that Ms. Douglas' permit be revoked and that she be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education. The hearing officer's recommendation is based upon Ms. Douglas' 2018 conviction in the Glouster Mayor's Court for one misdemeanor count of endangering children stemming from an incident where she left her young child home alone in order to go drinking with her boyfriend and her child started a fire in the house and burned 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 **REVOKES** Amanda M. Douglas's one-year educational aide permit issued in 2018 based upon Ms. Douglas' 2018 conviction in the Glouster Mayor's Court for one misdemeanor count of endangering children. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Amanda M. Douglas be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education; and, Be It Further

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

It was Moved by Ms. Johnson and Seconded by Dr. Kilgore that the above recommendation (Item 2) be approved.

President Kohler called for a roll call vote.

**YES VOTES**

Christina Collins	Stephen Dackin
Diana Fessler	John Hagan
Kirsten Hill	Meryl Johnson
Jenny Kilgore	Laura Kohler
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 3):

**3. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE PERMANENTLY THE ONE-YEAR EDUCATIONAL AIDE PERMIT OF TRACY P. HALE**

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

WHEREAS Tracy P. Hale held a one-year educational aide permit issued in 2015; and

WHEREAS on July 31, 2019, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Tracy P. Hale of its intent to determine whether to limit, suspend, revoke, or permanently revoke his one-year



educational aide permit issued in 2015 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Hale engaging in the following conduct that is unbecoming to the teaching profession: on or about November 4, 2015, Mr. Hale used inappropriate physical intervention with a student when he grabbed the student's arm, threw the student into the bathroom, and screamed at the student while leaving other students unsupervised; and on or about November 4-5, 2015, Mr. Hale, without proper authority, accessed the student's records to obtain contact information and subsequently contacted the student's family by phone and went to the student's residence to discuss the incident that was the subject of the school district's investigation; and

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

WHEREAS a hearing was held on October 28, 2020; and

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

WHEREAS the hearing officer recommends that Mr. Hale's permit be revoked and that he be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education. The hearing officer's recommendation is based upon the nature and seriousness of Mr. Hale's misconduct which involved aggressively putting his hands on a student when the situation did not warrant doing so, grabbing the young minor student by the arm and flinging him into the restroom, yelling and screaming at the student while the student cowered in a corner, yelling at a fellow teacher in front of other students while she was leading the student to safety, obtaining the student's contact information without authority, contacting the student's parent by phone numerous times, and showing up at the student's house to discuss the incident; 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** Tracy P. Hale's one-year educational aide permit issued in 2015 based upon Mr. Hale engaging in the following conduct that is unbecoming to the teaching profession: on or about November 4, 2015, Mr. Hale grabbed a student's arm, threw the student into the bathroom, and screamed at the student; and on or about November 4-5, 2015, Mr. Hale, without proper authority, accessed the student's records to obtain contact information and subsequently contacted the student's family by phone and went to the student's residence to discuss the incident that was the subject of the school district's investigation. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Tracy P. Hale be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education; and, Be It Further

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

It was Moved by Mrs. McGuire and Seconded by Dr. Kilgore that the above recommendation (Item 3) be approved.

President Kohler called for a roll call vote.

YES VOTES

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

Motion carried.

---

Aaron Ross, Director, Office of Professional Conduct, presented the following recommendation (Item 4):

4. **RESOLUTION TO REVOKE PERMANENTLY THE THREE-YEAR PUPIL ACTIVITY PERMIT OF DOMINIC M. HANIFORD**

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

WHEREAS Dominic M. Haniford holds a three-year pupil activity permit issued in 2018; and

WHEREAS on November 12, 2020, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Dominic M. Haniford of its intent to determine whether to limit, suspend, revoke, or permanently revoke his three-year pupil activity permit issued in 2018 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Haniford's 2019 conviction in the Mahoning County Court Area 5 for one misdemeanor count of contributing to the delinquency of a minor; and

WHEREAS the notice informed Mr. Haniford 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 three-year pupil activity permit issued in 2018; and

WHEREAS Dominic M. Haniford 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 Mahoning County Court Area 5, and certified police records from the Mahoning County Sheriff's Office; and

WHEREAS Ohio Administrative Code Rule 3301-73-05 authorizes the State Board of Education to impose disciplinary action against any licenses held or applied for without holding an administrative hearing if the applicant and/or license holder fails within thirty days to request a hearing in accordance with Section 119.07 of the 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), hereby **REVOKES** Dominic M. Haniford's three-year pupil activity permit issued in 2018 based upon Mr. Haniford's 2019 conviction in the Mahoning County Court Area 5 for one misdemeanor count of contributing to the delinquency of a minor. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders that Dominic M. Haniford be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education; and, Be It Further

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

It was Moved by Dr. Miranda and Seconded by Mrs. Hill that the above recommendation (Item 4) be approved.

President Kohler called for a roll call vote.

YES VOTES

Christina Collins  
Diana Fessler  
Kirsten Hill  
Jenny Kilgore  
Mark Lamoncha  
Martha Manchester  
Tim Miller  
Michelle Newman  
Mike Toal

Stephen Dackin  
John Hagan  
Meryl Johnson  
Laura Kohler  
Paul LaRue  
Charlotte McGuire  
Antoinette Miranda  
Brendan Shea

Motion carried.

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

**5. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE PERMANENTLY THE ONE-YEAR SUBSTITUTE TEACHING LICENSE OF LAURA E. PAYNE**

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

WHEREAS Laura E. Payne held a one-year substitute teaching license issued in 2017; and

WHEREAS on February 6, 2020, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Laura E. Payne of its intent to determine whether to limit, suspend, revoke, or permanently revoke her one-year substitute teaching license issued in 2017 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Payne engaging in conduct that is unbecoming to the teaching profession from on or about June 2017 to July 2017, when she attempted to cover up or destroy evidence of an inappropriate sexual relationship between a student from her employing district and her husband by attempting to have the student delete the student's text messages with Ms. Payne's husband; and

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

WHEREAS a hearing was held on September 30, 2020; and

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

WHEREAS the hearing officer recommends that Ms. Payne'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. Payne's misconduct and the negative impact that Ms. Payne's continued licensure would have on the health, safety, or welfare of the school community and/or statewide education community because an educator who practices deceit, attempts to involve a student in deceit, attempts to hide felonious sexual abuse of a minor, and places her own circumstances over the interests of a student does not belong around the school community; and

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

**RESOLVED**, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Laura E. Payne's one-year substitute teaching license issued in 2017 based upon Ms. Payne engaging in conduct that is unbecoming to the teaching profession from on or about June 2017 to July 2017, when she attempted to cover up or destroy evidence of an inappropriate sexual relationship between a student from her employing district and her husband by

attempting to have the student delete the student's text messages with Ms. Payne's husband. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Laura E. Payne be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education; and, Be It Further

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

It was Moved by Mrs. Fessler and Seconded by Mrs. Manchester that the above recommendation (Item 5) be approved.

President Kohler called for a roll call vote.

YES VOTES

Christina Collins  
Diana Fessler  
Kirsten Hill  
Jenny Kilgore  
Mark Lamoncha  
Martha Manchester  
Tim Miller  
Michelle Newman  
Mike Toal

Stephen Dackin  
John Hagan  
Meryl Johnson  
Laura Kohler  
Paul LaRue  
Charlotte McGuire  
Antoinette Miranda  
Brendan Shea

Motion carried.

---

Aaron Ross, Director, Office of Professional Conduct, presented the following recommendation (Item 6):

**6. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO DENY THE FIVE-YEAR PROFESSIONAL PRINCIPAL LICENSE AND FIVE-YEAR PROFESSIONAL EDUCATION OF THE HANDICAPPED TEACHING LICENSE APPLICATIONS OF MELISSA A. RAMIREZ (AKA MELISSA A. MALLOY)**

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

WHEREAS Melissa A. Ramirez (aka Melissa A. Malloy) has applied for a five-year professional principal license and five-year professional education of the handicapped teaching license; and

WHEREAS on May 24, 2019, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Melissa A. Ramirez of its intent to deny or permanently deny her application for a five-year professional principal license and five-year professional education of the handicapped teaching license pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Ramirez engaging in conduct that is unbecoming to the teaching profession on or

about January 30, 2015, when she used inappropriate language toward a student, disparaged a student on the basis of academic performance, and knowingly contributed to the harassment, intimidation, or bullying of a student. The inappropriate language, disparaging remarks, and harassing, intimidating or bullying actions are as follows: Ms. Ramirez referred to a student (Student 1) as a loser; she asked Student 1 "who's the loser?" to which Student 1 responded "me", to which Ms. Ramirez responded "yea, you are"; she threatened to have Student 1 read a note on the announcements so everyone in the school would know Student 1 was a loser; she told another student (Student 2) that Student 1 was in the third grade for a second time because Student 1 could not get Student 1's act together; she told Student 2 that Student 1 was one of those who would be a loser for the rest of Student 1's life; and she ordered another educator to create a paper sign reading "I'm a loser" for Student 1 to wear; and

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

WHEREAS a hearing was held on February 4, 2020; and

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

WHEREAS the hearing officer recommends that Ms. Ramirez's applications for a five-year professional principal license and five-year professional education of the handicapped teaching license be denied. Further, the hearing officer recommends that Ms. Ramirez not be permitted to reapply for any license, certificate, or permit for a period of five years from her June 12, 2015 resignation date as principal of Jacobs Elementary School in the Findlay City School District and upon reapplication, she must provide written verification to the Ohio Department of Education that she has completed a fitness to teach evaluation to ensure that Ms. Ramirez does not pose a threat to the safety and welfare of students and the school community. The hearing officer's recommendation is based upon Ms. Ramirez engaging in the following behavior: failing to serve as a positive role model to students and school staff; committing acts of cruelty and or emotional abuse of a student; failing to provide appropriate supervision to students which risked the students' health, safety and welfare; and participating in the harassment, intimidation and bullying of a student; and

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **DENIES** Melissa A. Ramirez's applications for a five-year professional principal license and five-year professional education of the handicapped teaching license based upon Ms. Ramirez engaging in conduct that is unbecoming to the teaching profession on or about January 30, 2015, when she used inappropriate language toward a student, disparaged a student on the basis of academic performance, and knowingly contributed to the harassment, intimidation, or bullying of a student. The inappropriate language, disparaging remarks, and harassing, intimidating or bullying actions are as follows: Ms. Ramirez referred to a student (Student 1) as a loser; she asked Student 1 "who's

the loser?" to which Student 1 responded "me", to which Ms. Ramirez responded "yea, you are"; she threatened to have Student 1 read a note on the announcements so everyone in the school would know Student 1 was a loser; she told another student (Student 2) that Student 1 was in the third grade for a second time because Student 1 could not get Student 1's act together; she told Student 2 that Student 1 was one of those who would be a loser for the rest of Student 1's life; and she ordered another educator to create a paper sign reading "I'm a loser" for Student 1 to wear. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(a), orders that Melissa A. Ramirez be ineligible to reapply for any license, permit, or certificate issued by the State Board of Education until on or after June 12, 2020, and upon reapplication, she must submit written verification to the Ohio Department of Education that she has completed, at her own expense, a fitness to teach evaluation by a licensed psychologist or psychiatrist, who is preapproved by the Ohio Department of Education and who determines that Ms. Ramirez is fit to serve in the school community as an educator and does not pose a threat to the safety and welfare of students and the school community, and that she has completed any recommendations; and, Be It Further

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

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

Ms. Johnson moved to amend the resolution by substitution. She proposed that in addition to the recommendations by the Hearing Officer, Ms. Ramirez must submit written verification to the Ohio Department of Education that she has completed, at her own expense, a course in anger management and eight hours of professionalism, with the course and training to be preapproved by the Ohio Department of Education. Mr. Shea Seconded the motion.

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

YES VOTES

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

Motion carried.

Resolution as amended:

**6. RESOLUTION TO MODIFY THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO DENY THE FIVE-YEAR PROFESSIONAL PRINCIPAL LICENSE AND FIVE-YEAR PROFESSIONAL EDUCATION OF THE HANDICAPPED TEACHING LICENSE APPLICATIONS OF MELISSA A. RAMIREZ (AKA MELISSA A. MALLOY)**

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

WHEREAS Melissa A. Ramirez (aka Melissa A. Malloy) has applied for a five-year professional principal license and five-year professional education of the handicapped teaching license; and

WHEREAS on May 24, 2019, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Melissa A. Ramirez of its intent to deny or permanently deny her application for a five-year professional principal license and five-year professional education of the handicapped teaching license pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Ramirez engaging in conduct that is unbecoming to the teaching profession on or about January 30, 2015, when she used inappropriate language toward a student, disparaged a student on the basis of academic performance, and knowingly contributed to the harassment, intimidation, or bullying of a student. The inappropriate language, disparaging remarks, and harassing, intimidating or bullying actions are as follows: Ms. Ramirez referred to a student (Student 1) as a loser; she asked Student 1 "who's the loser?" to which Student 1 responded "me", to which Ms. Ramirez responded "yea, you are"; she threatened to have Student 1 read a note on the announcements so everyone in the school would know Student 1 was a loser; she told another student (Student 2) that Student 1 was in the third grade for a second time because Student 1 could not get Student 1's act together; she told Student 2 that Student 1 was one of those who would be a loser for the rest of Student 1's life; and she ordered another educator to create a paper sign reading "I'm a loser" for Student 1 to wear; and

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

WHEREAS a hearing was held on February 4, 2020; and

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

WHEREAS the hearing officer recommends that Ms. Ramirez's applications for a five-year professional principal license and five-year professional education of the handicapped teaching license be denied. Further, the hearing officer recommends that Ms. Ramirez not be permitted to reapply for any license, certificate, or permit for a period of five years from her June 12, 2015 resignation date as principal of Jacobs Elementary School in the Findlay City School District and upon reapplication, she must provide written verification to the Ohio Department of Education that she has completed a fitness to teach evaluation to ensure that Ms. Ramirez does not pose a threat to the safety and welfare of students and the school community. The hearing officer's recommendation is based upon Ms. Ramirez engaging in the following behavior: failing to serve as a positive role model to students and school staff; committing acts of cruelty and or emotional abuse of a student; failing to provide appropriate supervision to students which



risked the students' health, safety and welfare; and participating in the harassment, intimidation and bullying of a student; and

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

WHEREAS the State Board of Education has considered the hearing officer's report and recommendation; and

WHEREAS the State Board of Education modifies the following portions of the hearing officer's Report and Recommendation: modify the summary fact sheet by adding the following language to the last sentence of the Recommendation section beginning after the word community, "submit written verification that she has completed, at her own expense, a course in anger management and eight hours of professionalism training with the course and training to be preapproved by the Ohio Department of Education;"; modify Conclusions of Law letter G on page nineteen of the Report and Recommendation by adding the following language to the end of the last sentence, "and she submits written verification that she has completed, at her own expense, a course in anger management and eight hours of professionalism training with the course and training to be preapproved by the Ohio Department of Education"; modify the first paragraph on page twenty-four of the Report and Recommendation by adding the following language to the second to last sentence beginning after the word community, "and a course in anger management and eight hours of professionalism training with the course and training to be preapproved by the Ohio Department of Education."; and modify the Recommendation section of the Report and Recommendation by adding the following language to the last sentence beginning after the word community, "and a course in anger management and eight hours of professionalism training with the course and training to be preapproved by the Ohio Department of Education."; and

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

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

WHEREAS the State Board of Education finds that the administrative record identifies the following aggravating factors: Ms. Ramirez acted in a wholly inappropriate, cruel, degrading, intimidating and abusive manner in her interaction with Student 1 during the incident; Ms. Ramirez's conduct involved her abuse toward Student 1, her use of inappropriate language and gestures, her failing to provide appropriate supervision which risked the health, safety, and welfare of students, and her harassing, intimidating, and bullying actions toward Student 1; and Ms. Ramirez involved another educator in her conduct when she instructed an intervention specialist to make a sign reading, "I'm a loser" for Student 1 to wear; and

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

WHEREAS the State Board of Education concludes, that based on the aggravating factors in this case, a more appropriate sanction would be to add a requirement that prior to reapplying for a license, Ms. Ramirez submit written verification that she has completed, at her own expense, a course in anger management and eight hours of professionalism training with the course and the training to be preapproved by the Ohio Department of Education: Therefore, Be It

RESOLVED, That the State Board of Education modifies the following portions of the hearing officer's Report and Recommendation: modify the summary fact sheet by adding the following language to the last sentence of the Recommendation section beginning after the word community, "submit written verification that she has completed, at her own expense, a course in anger management and eight hours of professionalism training with the course and training to be preapproved by the Ohio Department of Education;"; modify Conclusions of Law letter G on page nineteen of the Report and Recommendation by adding the following language to the end of the last sentence, "and she submits written verification that she has completed, at her own expense, a course in anger management and eight hours of professionalism training with the course and training to be preapproved by the Ohio Department of Education"; modify the first paragraph on page twenty-four of the Report and Recommendation by adding the following language to the second to last sentence beginning after the word community, "and a course in anger management and eight hours of professionalism training with the course and training to be preapproved by the Ohio Department of Education."; and modify the Recommendation section of the Report and Recommendation by adding the following language to the last sentence beginning after the word community, "and a course in anger management and eight hours of professionalism training with the course and training to be preapproved by the Ohio Department of Education." and, Be It Further

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

RESOLVED, That the State Board of Education finds that the administrative record identifies the following aggravating factors: Ms. Ramirez acted in a wholly inappropriate, cruel, degrading, intimidating and abusive manner in her interaction with Student 1 during the incident; Ms. Ramirez's conduct involved her abuse toward Student 1, her use of inappropriate language and gestures, her failing to provide appropriate supervision which risked the health, safety, and welfare of students, and her harassing, intimidating, and bullying actions toward Student 1; and Ms. Ramirez involved another educator in her conduct when she instructed an intervention specialist to make a sign reading, "I'm a loser" for Student 1 to wear; and, Be It Further

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

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

requirement that prior to reapplying for a license, Ms. Ramirez submit written verification that she has completed, at her own expense, a course in anger management and eight hours of professionalism training with the course and the training to be preapproved by the Ohio Department of Education; and, Be It Further

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **DENIES** Melissa A. Ramirez's applications for a five-year professional principal license and five-year professional education of the handicapped teaching license based upon Ms. Ramirez engaging in conduct that is unbecoming to the teaching profession on or about January 30, 2015, when she used inappropriate language toward a student, disparaged a student on the basis of academic performance, and knowingly contributed to the harassment, intimidation, or bullying of a student. The inappropriate language, disparaging remarks, and harassing, intimidating or bullying actions are as follows: Ms. Ramirez referred to a student (Student 1) as a loser; she asked Student 1 "who's the loser?" to which Student 1 responded "me", to which Ms. Ramirez responded "yea, you are"; she threatened to have Student 1 read a note on the announcements so everyone in the school would know Student 1 was a loser; she told another student (Student 2) that Student 1 was in the third grade for a second time because Student 1 could not get Student 1's act together; she told Student 2 that Student 1 was one of those who would be a loser for the rest of Student 1's life; and she ordered another educator to create a paper sign reading "I'm a loser" for Student 1 to wear. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(a), orders that Melissa A. Ramirez be ineligible to reapply for any license, permit, or certificate issued by the State Board of Education until on or after June 12, 2020, and upon reapplication, she must submit written verification to the Ohio Department of Education that she has completed, at her own expense, a course in anger management and eight hours of professionalism, with the course and training to be preapproved by the Ohio Department of Education; and a fitness to teach evaluation by a licensed psychologist or psychiatrist, who is preapproved by the Ohio Department of Education and who determines that Ms. Ramirez is fit to serve in the school community as an educator and does not pose a threat to the safety and welfare of students and the school community, and that she has completed any recommendations; and, Be It Further

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

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

YES VOTES

Christina Collins  
Diana Fessler  
Kirsten Hill  
Jenny Kilgore  
Mark Lamoncha  
Martha Manchester  
Tim Miller  
Michelle Newman  
Mike Toal

Stephen Dackin  
John Hagan  
Meryl Johnson  
Laura Kohler  
Paul LaRue  
Charlotte McGuire  
Antoinette Miranda  
Brendan Shea

Motion carried.

---

Aaron Ross, Director, Office of Professional Conduct, presented the following recommendation (Item 7):

**7. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE PERMANENTLY THE ONE-YEAR EDUCATIONAL AIDE STUDENT MONITOR PERMIT OF TERRY L. WITHERSPOON**

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

WHEREAS Terry L. Witherspoon held a one-year educational aide student monitor permit issued in 2016; and

WHEREAS on February 6, 2020, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Terry L. Witherspoon of its intent to determine whether to limit, suspend, revoke, or permanently revoke his one-year educational aide student monitor permit issued in 2016 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Witherspoon engaging in the following conduct that is unbecoming to the teaching profession: on or about April 19, 2017, Mr. Witherspoon had an inappropriate physical altercation with a student while trying to take the student's cell phone away from the student, specifically, Mr. Witherspoon grabbed the student, pushed the student against a window, causing the student to hit the student's head, and pinned the student against the window; and on or about April 19, 2017, Mr. Witherspoon used inappropriate, disparaging language toward a second student, specifically, making a statement to the student to the effect of calling him a "little bitch". Further, the notice included as an aggravating factor that, on or about December 2016, Mr. Witherspoon had been warned by an administrator about taking appropriate actions to de-escalate student

behaviors of concern rather than engaging in behaviors that are sure to escalate student behavior; and

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

WHEREAS a hearing was held on October 14, 2020; and

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

WHEREAS the hearing officer recommends that Mr. Witherspoon's permit be revoked and that he be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education]. The hearing officer's recommendation is based upon [*sealed by the hearing officer*]; 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** Terry L. Witherspoon's one-year educational aide student monitor permit issued in 2016 based upon Mr. Witherspoon engaging in the following conduct that is unbecoming to the teaching profession: on or about April 19, 2017, Mr. Witherspoon had an inappropriate physical altercation with a student while trying to take the student's cell phone away from the student, specifically, Mr. Witherspoon grabbed the student, pushed the student against a window, causing the student to hit the student's head, and pinned the student against the window; and on or about April 19, 2017, Mr. Witherspoon used inappropriate, disparaging language toward a second student, specifically, making a statement to the student to the effect of calling him a "little bitch". Pursuant to Ohio Administrative Code Rule 3301-73-21(B), the State Board of Education further considers in aggravation that, on or about December 2016, Mr. Witherspoon had been warned by an administrator about taking appropriate actions to de-escalate student behaviors of concern rather than engaging in behaviors that are sure to escalate student behavior. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Terry L. Witherspoon be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education; and, Be It Further

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

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

President Kohler called for a roll call vote.

**YES VOTES**

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

Motion carried.

---

**State Board of Education Board Member Introductions**

Board members Tim Miller, Antoinette Miranda, Michelle Newman, Eric Poklar, Brendan Shea and Mike Toal briefly introduced themselves to fellow Board members and meeting attendees.

---

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

Mr. Shea presented the following recommendation:

Mr. Shea requested Emergency Consideration for this item. Board leadership granted Emergency Consideration.

**RESOLUTION TO REAFFIRM THE IRREPLACEABLE ROLE OF IN-PERSON LEARNING FOR K-12 EDUCATION IN OHIO**

As Ohio and our nation continue to battle Covid-19, we honor the memory of our fellow Ohioans whose lives have been claimed by this once-in-a-century pandemic. We grieve with those who have lost loved ones, family, and friends, and we empathize with those whose lives and livelihoods have been upended. To underscore the irreplaceable role of in-person learning and to support Governor DeWine’s goal of providing by March 1st, 2021 a fully in-person learning option for children of all families who desire it, the State Board of Education (“Board”) hereby **ADOPTS** the following:

Early in the pandemic, little was known about the infectiousness, lethality, and modes of transmission of the virus, and little was known about its impact on children;

More is now known showing the low risk of children experiencing serious complications from the disease;

Vaccines are now available and are being administered to teachers and school personnel who choose to be vaccinated;

Children, the demographic least at risk, have had their educational experiences disrupted, negatively impacting their academic and social growth and development;

Parents and families have been challenged trying to maintain their employment responsibilities while supervising their children’s education and safety at home, which for many has brought agonizing decisions and created emotional and economic hardship;

Ever-changing schedules, constant uncertainty, social isolation, and the loss of major life events have contributed to rising rates of depression and suicidal ideation among our youth;

Prolonged absences from in-person learning have exacerbated inequities as many underprivileged students rely most heavily on the social and support services schools provide;

Although the education community has worked diligently to deliver continuity of the educational experience and has become more adept at online and virtual learning, evidence suggests that student performance and retention are below previously achieved levels;

Innovations in virtual learning have opened doors of possibility for many students and revealed new ways of supplementing in-person learning, but there seems to be consensus that for most students in-person learning is instrumental for maximizing their growth and development;

Many parents, including some that have testified before the State Board of Education, have expressed desperation to provide a learning environment best suited for their children;

The authority to make these decisions ultimately rests with local school boards, who are best equipped to listen and respond to parents' unique needs and concerns.

NOW, THEREFORE, BE IT RESOLVED, that the Board calls on local school boards, working in collaboration with their local superintendent and health department, to provide a fully in-person, non-hybrid learning option for children of all families who desire it. The Board also urges local school boards to implement solutions to protect teachers and staff who are at high-risk and to provide for those families who continue to desire a remote learning option for their children during this time.

It was Moved by Mr. Shea and Seconded by Mr. Hagan that the above recommendation be approved.

Mr. Shea spoke to his proposed resolution and the need to provide a fully in-person, non-hybrid learning option for children of all families who desire it.

Ms. Johnson stated she has not seen where parents have been denied with little justification. She noted the risk to teachers and students bringing home the virus to family members.

Mrs. Manchester spoke in favor of the resolution.

Mr. Poklar stated he generally prefers to leave these decisions to local districts.

Dr. Miranda stated some large districts simply do not have enough buses for all children, necessitating the need for hybrid learning.

Dr. Collins stated she wished feasibility could have been incorporated in the action steps or resolved clause. She did appreciate that it recognizes the importance of in-person learning.

Dr. Kilgore spoke in favor of the resolution and noted it does not force the hand of a district to make the best decisions for their district.

Dr. Collins moved to amend the resolution by substitution. She proposed to add the following underlined language to the resolved clause. Ms. Johnson Seconded the motion.

NOW, THEREFORE, BE IT RESOLVED, that the Board calls on local school boards, working in collaboration with their local superintendent and health department, to provide where feasible a fully in-person, non-hybrid learning option for children of all families who desire it. The Board also urges local school boards to implement solutions to protect teachers and staff who are at high-risk

and to provide for those families who continue to desire a remote learning option for their children during this time.

Mr. Hagan stated he felt the proposed amendment was not necessary because he did not see anything in the resolution that precludes districts from making their own decisions.

Mr. Shea stated that adding the proposed language would weaken the resolution.

Ms. Johnson called the question on the proposed amendment. Mrs. Manchester seconded the motion.

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

**YES VOTES**

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

Motion carried.

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

**YES VOTES**

Christina Collins	Stephen Dackin
Kirsten Hill	Meryl Johnson
Jenny Kilgore	Laura Kohler
Paul LaRue	Martha Manchester
Antoinette Miranda	Eric Poklar
Mike Toal	

**NO VOTES**

Diana Fessler	John Hagan
Mark Lamoncha	Charlotte McGuire
Tim Miller	Michelle Newman
Brendan Shea	

Motion carried.

Resolution as amended;

**RESOLUTION TO REAFFIRM THE IRREPLACEABLE ROLE OF IN-PERSON LEARNING FOR K-12 EDUCATION IN OHIO**

As Ohio and our nation continue to battle Covid-19, we honor the memory of our fellow Ohioans whose lives have been claimed by this once-in-a-century pandemic. We grieve with those who have lost loved ones, family, and friends, and we empathize with those



whose lives and livelihoods have been upended. To underscore the irreplaceable role of in-person learning and to support Governor DeWine's goal of providing by March 1<sup>st</sup>, 2021 a fully in-person learning option for children of all families who desire it, the State Board of Education ("Board") hereby **ADOPTS** the following:

Early in the pandemic, little was known about the infectiousness, lethality, and modes of transmission of the virus, and little was known about its impact on children;

More is now known showing the low risk of children experiencing serious complications from the disease;

Vaccines are now available and are being administered to teachers and school personnel who choose to be vaccinated;

Children, the demographic least at risk, have had their educational experiences disrupted, negatively impacting their academic and social growth and development;

Parents and families have been challenged trying to maintain their employment responsibilities while supervising their children's education and safety at home, which for many has brought agonizing decisions and created emotional and economic hardship;

Ever-changing schedules, constant uncertainty, social isolation, and the loss of major life events have contributed to rising rates of depression and suicidal ideation among our youth;

Prolonged absences from in-person learning have exacerbated inequities as many underprivileged students rely most heavily on the social and support services schools provide;

Although the education community has worked diligently to deliver continuity of the educational experience and has become more adept at online and virtual learning, evidence suggests that student performance and retention are below previously achieved levels;

Innovations in virtual learning have opened doors of possibility for many students and revealed new ways of supplementing in-person learning, but there seems to be consensus that for most students in-person learning is instrumental for maximizing their growth and development;

Many parents, including some that have testified before the State Board of Education, have expressed desperation to provide a learning environment best suited for their children;

The authority to make these decisions ultimately rests with local school boards, who are best equipped to listen and respond to parents' unique needs and concerns.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board calls on local school boards, working in collaboration with their local superintendent and health department, to provide where feasible a fully in-person, non-hybrid learning

option for children of all families who desire it. The Board also urges local school boards to implement solutions to protect teachers and staff who are at high-risk and to provide for those families who continue to desire a remote learning option for their children during this time.

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

YES VOTES

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

NO VOTES

Eric Poklar

Motion carried.

President Kohler stated that in regard to the process to evaluate public participation if a specific request is made, the superintendent or his delegate will be given the responsibility to respond. Board member comments regarding a specific request will be considered and possible referral to a committee if there is interest from the Board.

President Kohler stated Superintendent DeMaria has been asked to provide to the full Board information regarding seat belts on school buses. She further stated after discussion has taken place, the issue would likely be referred to committee for further study.

President Kohler announced she would be sending Board members further information on opportunities for small groups to meet in social settings with the possibility of a guiding question to be considered.

President Kohler stated in regard to returning to in-person Board meetings, she had considered individuals personal situations, cost, deaths from the pandemic and vaccine availability. President Kohler recommended the Board continue meeting remotely through April and reconsider in-person meetings at that time. Mr. Hagan urged a return to in-person meetings citing the just-passed resolution by the Board supporting schools returning to full-time, in-person class settings. Mr. Lamoncha stated social distancing would have to be considered for a return to in-person meetings. Ms. Johnson stated she felt a one hundred percent commitment by Board members to wearing masks would be a requirement. Mr. Shea suggested the possibility of a hybrid option for Board meetings. President Kohler responded the technical challenges to conducting a hybrid meeting may prohibit such an option. Mr. Poklar asked if the Board had the ability to mandate wearing of masks by attendees. Ms. Singh responded that a mask mandate was in place by the Department of Health and she did not see an issue with the Board passing a resolution requiring the wearing of masks by attendees. Mrs. Manchester asked if the legislature had passed emergency legislation or rules for in-

person meetings and when they would expire. Senator Brenner responded they would expire July 1. Mr. Richard stated the Department would work with the Board on whatever decision would ultimately be made on the return to in-person meetings. Mrs. Fessler stated she did not believe there were any technology issues that could not be addressed to make in-person meetings work.

---

---

## New Business

Dr. Collins introduced the following resolution which would be considered at the March meeting of the Board;

### **RESOLUTION ON THE INTENDED USE AND INTERPRETATION OF STATE TESTING DATA FROM THE 2020-2021 SCHOOL YEAR**

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

Whereas the State Board of Education resolved in 2020 to acknowledge the ability and ingenuity of communities to make the best, informed decisions regarding their schools and their districts’ policies for opening in Fall 2020, thereby supporting a variety of instructional models for the 2020-2021 school;

Whereas districts throughout Ohio chose a variety of options including online, hybrid, and in-school models;

Whereas Covid-19 has affected every student in Ohio, disrupting the structure of teaching and learning and emphasizing children’s dependency upon adults for nurture, protection, and providing for health and well-being;

Whereas federal and state laws require standardized testing in a variety of grades and subjects with no waiver currently available for the 2020-2021 school year;

Whereas assessments must be administered in person, thereby presenting challenges for student participation; and

Whereas data from previous administrations of these assessments during years *unaffected* by a pandemic have highlighted inequities in learning opportunities such as access to technology that were exacerbated by the pandemic;

Whereas according to according to Lorrie Shepard (2020), professor and dean emerita of the School of Education at the University of Colorado at Boulder, and former president of the National Academy of Education, the American Educational Research Association and the National Council on Measurement in Education, “It would be impossible to disentangle the effects on achievement outcomes of district policies and practices versus home learning circumstances”;

Whereas standardized assessment scores will be publicly communicated from the Ohio Department of Education and subject to public interpretation; and

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

Whereas it is the contention of the Board that data obtained from upcoming spring 2021 standardized assessments are unique because resulting data is inextricably intertwined with unusually magnified home and school circumstances;

Therefore be it resolved that the State Board of Education directs the Ohio Department of Education to include where feasible and with good faith effort a disclaimer on publicly available reports that states: "Because of a wide variety of learning models in place during the 2020-2021 school year and the significant impact of the coronavirus pandemic on children throughout Ohio, these data are for the purpose of understanding how learning was impacted as a result of extreme circumstances."; and

Be it further resolved, that the State Board of Education directs the Ohio Department of Education to make a good faith effort to collect and include a district designation of online, hybrid, or in-person on school building and district level report cards based on the primary learning modality used by the district during the course of the 2020-2021 school year.

Shephard, L. (2020, August 03). Perspective: *Why teachers shouldn't give kids standardized tests when school starts.*

Retrieved January 19, 2021, from <https://www.washingtonpost.com/education/2020/08/03/why-teachers-shouldnt-give-kids-standardized-tests-when-school-starts/>

Mrs. Hill provided to Board members an overview of the EMIS Advisory Council meeting held last week. Three topics of discussion regarding data collection were: 1) Student access to hardware 2) Student internet connectivity and 3) Method of instruction.

---

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

The President requested a voice vote.

Motion carried.

President Kohler adjourned the meeting at 3:35 p.m. The next regularly scheduled meeting of the State Board of Education is March 8-9, 2021.

ATTEST:



Laura Kohler  
President  
State Board of Education



Paolo DeMaria  
Superintendent of Public Instruction

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

**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.