

**STATE BOARD OF EDUCATION OF OHIO  
MINUTES**

June 2021

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

**MEMBERS OF THE STATE BOARD OF EDUCATION**

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

**EX OFFICIO MEMBERS**

Senator Andrew Brenner

Representative Gayle Manning

**SECRETARY**

Paolo DeMaria  
Superintendent of Public Instruction

Laura Kohler, Antoinette Miranda, and Mike Toal were absent from the meeting.

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The State Board convened on Monday, June 14, at the Ohio Department of Education in Columbus.

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**STATE BOARD BUSINESS MEETING**

Vice President McGuire convened the Business meeting of the State Board of Education on Monday, June 14, at 8:30 a.m.

Vice President McGuire asked the Recording Secretary to call the roll.

**YES VOTES**

Christina Collins  
Diana Fessler  
Kirsten Hill  
Laura Kohler  
Paul LaRue  
Charlotte McGuire  
Michelle Newman

Stephen Dackin  
John Hagan  
Meryl Johnson  
Mark Lamoncha  
Martha Manchester  
Tim Miller  
Brendan Shea

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Motion carried.

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

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Vice President McGuire called for the approval of the Minutes of the April and May 2021 meeting. She asked if there were any corrections to the Minutes.

It was Moved by Mr. Shea and Seconded by Mr. LaRue that the Minutes for April 2021 be approved as presented. The President called for a voice vote.

Motion carried.

It was Moved by Mrs. Manchester and Seconded by Dr. Kilgore that the Minutes for May 2021 be approved as presented.

Motion carried.

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The Board's Teaching, Leading and Learning Committee met beginning at 8:35 a.m.

Topics of discussion were:

- Discuss: OAC 3301-24-16 Senior Professional Educator License and OAC 3301-24-17 Lead Professional Educator License (Possible Vote)
- Discuss: Revised Principal Evaluation Framework (Possible Vote)
- Discuss: Third Grade Reading Guarantee Promotion Score (Possible Vote)
- Discuss: OAC 3301-42-01 Criteria for Enrolling Adults in Public Secondary Education Programs

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

Topics of discussion were:

- Discuss: OAC 3301-56-01 School District and Building Improvement, Supports, and Interventions (Possible Vote)
- Discuss: Attendance
- Discuss: Customer Service Project Update

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

## Minutes of the June 2021 Meeting of the State Board of Education of Ohio

Topics of discussion were:

- Discuss: OAC 3301-16 Rule Review
  - 3301-16-01 “GPA Calculation Chart for Alternative Pathway to Graduation”
  - 3301-16-05 “Additional Assessment Options for Students Required to Pass the Ohio Graduation Tests”
  - 3301-16-06 “Retaking End-of-Course Exams”
  - 3301-16-07 “End of Course Exam in Science”
- Discuss: Alternate Assessment Standard Setting (Possible Vote)

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

Topics of discussion were:

- Discuss: Supporting Early Learners
- Discuss: Child Nutrition Programs: Supporting Students with Nutritious Meals
- Discuss: Strategic Plan Strategy Updates

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

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

- Students with Disabilities Operating Standards Discussion
- One Goal Update (Heather Boughton)

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

Presenter: Jo Hannah Ward, Director, Office for Exceptional Children

Rules Reviewed:

- 3301-51-01: Applicability of Requirements and Definitions
- 3301-51-02: Free Appropriate Public Education
- 3301-51-03: Child Find
- 3301-51-04: Confidentiality
- 3301-51-05: Procedural Safeguards
- 3301-51-06: Evaluation Team Report
- 3301-51-07: Individualized Education Program
- 3301-51-08: Parentally Placed Non-public School Children
- 3301-51-09: Delivery of Services
- 3301-51-10: Transportation of Children with Disabilities
- 3301-51-21: Instructional Materials for Children with Visual Impairments
- Ohio Administrative Code Rule 3301-51-20: Transfers to Ohio State School for the Blind and Ohio School for the Deaf

Operating Standards for the Education of Children with Disabilities Background:

- Fundamental provisions for children with disabilities in Ohio
- Inclusive of state requirements and federal regulations

3301-51-01 Applicability of Requirements and Definitions:

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- Applicability of requirements binds all entities to the requirements under 3301-51
- Definitions defines the terms located throughout 3301-51

3301-51-02 Free Appropriate Public Education:

- Available to each eligible child and to begin implementing an individualized education program (IEP) for an eligible child no later than the child's third birthday.

3301-51-03 Child Find:

- Educational agencies to identify, locate and evaluate all children in need of special education and related services and adopt written policies and procedures for implementation of the rule.
- Determine disproportionality in identification, placement, and discipline of children with disabilities.

3301-51-04 Confidentiality:

- The opportunity for parents to examine records
- The protection of the confidentiality of any personally identifiable information

3301-51-05 Procedural Safeguards:

- Rights of parents to view records and participate in meetings for identification, evaluation, educational placement of the child and provision of a free appropriate public education
- Dispute resolution options

3301-51-06 Evaluations:

- Identification of children with disabilities
- Initial evaluation procedures and requirements
- Evaluation timelines

3301-51-07 Individualized Education Program (IEP):

- Developing, reviewing, and revising individualized education programs
- Individualized education program meetings and team members

3301-51-08 Parentally Placed Nonpublic School Children:

- Child find for parentally placed nonpublic students
- Consultation between public districts and nonpublic schools
- Provision of special education services to nonpublic students

3301-51-09 Delivery of Services:

- Placements and the continuum of alternative placements
- Transition services
- Service provider workload determination for delivery of services

3301-51-10 Transportation of Children with Disabilities:

- Transportation requirements for students with disabilities
- Student eligibility for transportation

3301-51-21 Providing Instructional Materials to Children with Visual Impairments:

- Textbook, instructional materials and technology standards for accessibility
- National Instructional Materials Accessibility Standard (NIMAS)

3301-51-20 Admission, Transfer, Suspension, and Expulsion Standard for Ohio State Schools for Blind and Deaf:

- Evaluation of children who are deaf/hard of hearing and blind/visually impaired for admission to the state schools
- Requirements and procedures for placement at the state schools

June Full Board Vote:

- Full board approval and vote on all 12 of the rules as a package.

### One Goal Update

Presenter: Heather Boughton, Director of Research, Evaluation and Advanced Analytics

One Goal Measurement:

Each Child, Our Future includes One Goal:

Ohio will increase annually the percentage of high school graduates who, one year after graduation, are:

- Enrolled and succeeding in a post-high school learning experience, including an adult career-technical education program, an apprenticeship and/or a two-year or four-year college program.
- Serving in a military branch.
- Earning a living wage; or
- Engaged in a meaningful, self-sustaining vocation.

One Goal Measurement:

There are three major resources supporting measurement of the state's One Goal:

<u>Resource</u>	<u>Source</u>
Partnerships	Support from state leadership, collaboration with other state agencies, and partnership with researchers at the Ohio Education Research Center (OERC).
Technology	Two state technology assets will be used together – the Ohio Longitudinal Data Archive and the InnovateOhio Platform to facilitate cross-agency data sharing and establish new data linkages.
Funding	The Statewide Longitudinal Data System grant awarded to Ohio in March 2020 supports the efforts to establish new data linkages, establish baseline data, and begin measuring progress in meeting Ohio's One Goal.

One Goal Measurement:

- Outcome: Enrolled and succeeding in a post high school learning experience
- Activities: Initial analyses (May/June 2021); Additional analyses (Fall 2021)
- Partners: Ohio Department of Higher Education; Ohio Education Research Center; Innovate Ohio Platform
- Initial analyses of post-high school education:
  - Enrollment in higher education during the year following high school graduation
  - Persistent enrollment within the first year following high school graduation (fall to spring or spring to fall)
    - This is the measure we want to move for the One Goal

Graduation Rates:

Class of 2018, 4-Year Graduation Rate - 85%

5-Year Graduation Rate - 86%

Class of 2019, 4-Year Graduation Rate - 86%

One Goal Measurement:

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- 4-Year graduates' enrollment and persistence in postsecondary education has not significantly changed over the last five years.

One Goal Measurement:

- Additional analyses:
  - Variability across student subgroups (June 2021)
  - Variability across districts and schools (June 2021)
  - PreK-12 predictors of higher education outcomes (Fall 2021)

One Goal Measurement:

- Outcome: Serving in a military branch
- Activities: Locate the appropriate agency to source the data
- Partners: TBD; may include the U.S. Department of Education, U.S. Department of Defense, local recruitment offices. succeeding

One Goal Measurement:

- Outcome: Earning a living wage
- Activities: District notification (June 2021); Data linkages (July/August 2021); Analyses (Fall 2021)
- Partners: Ohio Department of Job and Family Services; Ohio Education Research Center; Innovate Ohio Platform rolled

One Goal Measurement:

- Outcome: Engaged in a meaningful and self-sustained vocation
- Activities: Identify what falls into this category
- Partners: TBD

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Review of Written Reports and Items for Vote

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**LEGISLATIVE UPDATE**

Presenters: Marjorie Yano, Director, Office of Policy and Legislative Affairs, and Aaron Rausch, Senior Financial Manager, Budget & School Funding, Ohio Department of Education.

- Biennial Budget Bill (House Bill 110)
  - Funding Updates
  - Policy Updates
- Other Pending Legislation

Current Status:

- Senate Finance Committee favorably reported on June 9 with a 10-3 vote.
- Senate passed on June 9 with a 25-8 vote.
- House did not concur in the Senate amendments (8-86).
- Conference Committee starts this week.
- Still on track to finalize before July 1.

House Bill 110, State Budget Bill, Funding Provisions:

Increased Funding for K-12 Education:

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- The Senate passed budget adds additional non-federal funding for K-12 Education
  - \$184.4 million in FY22 above House budget
  - \$272.9 million in FY23 above House budget
- Compared to the Governor's executive budget proposal, the increase is even larger:
  - \$289.1 million in FY22 above executive budget
  - \$505.2 million in FY23 above executive budget

### School Funding:

- Removes House changes related to school funding
  - as proposed in HB1 – Fair School Funding Plan.
- Generally, relies on the funding formula most recently used in FY19 with key modifications, and provides an increase in foundation funding to schools compared to House version.
  - \$185.9 million in FY22 over House budget rec.
  - \$274.1 million in FY23 over House budget rec.

### School Funding – Key Changes:

- Direct funding for Community Schools, STEM Schools, and Scholarship Programs (maintains current law regarding open enrollment)
- Opportunity Grant (base cost) methodology. Results in base per pupil amount of \$6,065 in FY22 and \$6,110 in FY23.
- Revised state share index modified to assist lower wealth school districts.
- Adds career-technical education lab supplement funding (in addition to existing career-tech funding).
- Adds gap-aid for lower wealth districts.
- Generally, funding for traditional districts is recalculated based on FY19 data elements.
- Creates a guarantee of baseline funding with districts who have lost more than 10% of their student enrollment receiving no less than 95% of baseline funding.
- Allows for districts to receive 10% increases in baseline funding, and growing schools to receive up to 15% increases each year.
- Restores Student Wellness and Success Funding at \$350 million in FY22 and \$300 million in FY23.

### School Funding Related Changes:

- Removed House-added funding for school bus purchase (\$45 million)
- Restored executive recommended amounts for Quality Community School Support (\$24 million)
- Increases Community School Facilities Funding by \$500 per pupil (\$41.9 million)
- Removed Industry Recognized Credential funding (\$20.5 million annually)
- Removed Prevention Education grants (\$1 million annually)

### Operating Funding Changes:

- Reduced operating funding by \$757K (5%) in FY22 and \$454K (3%) in FY23
- Reduced funding for Office of Community Schools (\$1 million annually)
- Reduced funding for Teacher and Principal Evaluation development and support (\$1.3 million annually)

### Other Changes:

- Increased funding for 22+ Adult Diploma program (\$600,000y)
- Added an additional \$1.6 million in legislative earmarks in each fiscal year
- Removed appropriation authority for the federal Elementary and Secondary School Emergency Relief Fund (ESSER).

### House Bill 110 - State Budget Bill - Policy Provisions:

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### EdChoice:

- Retains House provisions to direct fund all scholarship programs (including traditional EdChoice).
- Expands eligibility to include students in foster care, kinship care or who are placed with a legal custodian or guardian, plus children living in the same home as any of these students.
- Increases scholarship amounts across scholarship programs

### Community Schools:

- Removes restriction that community schools may only be established in a “challenged school district.”
- Some COVID-related flexibilities: waiving automatic withdrawal for students that failed to test during the 2020-2021 school year and waiving automatic closure based on recent report cards.

### Computer Science:

Senate removed many provisions related to computer science, including:

- Requirement that students have the option to enroll in a computer science course either from their school district or from a list approved by ODE.
- ODE to review and approval courses for this purpose.
- Retained creation of a State Plan for Computer Science

### Academic Distress Commissions:

- Pathway out of ADC status for all 3 ADC districts.
- Creation of a plan (approved by State Superintendent).
- 3 years to implement, State Board may grant extensions.
- Based on meeting improvement benchmarks.
  - If not met by the end of the improvement period, revert to ADC status.

### Continued Remote Learning:

- Sets parameters for districts that want to continue utilizing hybrid or remote learning after the pandemic.
- If engaging in online learning, a district must provide students with a computer, internet access, orientation for families.
- Must have 910 hours/year and track engagement through a learning management system.

### Educational Savings Accounts:

- Establishes the Afterschool Child Enrichment (ACE) Educational Savings Accounts Program.
- Using federal COVID funds - \$500 for students for supplemental academic and extracurricular activities.
- ODE will contract with a vendor to implement.

### Other Legislative Updates:

#### Report Card Bills:

- Senate Bill 145 has had 5 hearings in the Senate Primary & Secondary Education Committee.
- House Bill 200 has had 3 hearings in the House Primary & Secondary Education Committee.
- Bill sponsors have been working with stakeholders to try and reach consensus.

#### Other Bills of Interest:

- Senate Bill 1:
  - Unanimously passed by the Senate 32-0 in May.

- Pending in House Primary & Secondary Education Committee, 1 hearing
- House Bill 298:
  - Changes the membership of the State Board to only consist of elected members
  - Has had one hearing in the House Government Oversight Committee (sponsor testimony)
- Senate Bill 178:
  - Placeholder legislation.
  - Referred to Senate Primary and Secondary Education Committee but no hearings yet.

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Vice President McGuire recessed the Board meeting at 5:25 p.m.

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### **RECONVENE STATE BOARD BUSINESS MEETING**

Vice President McGuire reconvened the Business meeting of the State Board of Education on Tuesday, June 15, at 9:00 a.m.

Vice President McGuire asked the Recording Secretary to call the roll.

#### **YES VOTES**

Christina Collins	Diana Fessler
John Hagan	Kirsten Hill
Jenny Kilgore	Mark Lamoncha
Paul LaRue	Martha Manchester
Charlotte McGuire	Tim Miller
Michelle Newman	Brendan Shea

Motion carried.

NOTE: Mr. Dackin and Ms. Johnson entered the room after roll call.

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### **Chapter 119 Hearing**

June 15, 2021  
9:00 a.m.

#### Hearing Regarding the Amending, Rescinding and Adoption of Rules

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

- The amendments of OAC 3301-24-11 Alternative principal license, OAC 3301-24-12 Alternative superintendent license and alternative administrative specialist license and OAC 3301-24-13 Relinquishment of license or teaching field.

Vice President McGuire 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.

Vice President McGuire 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.

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

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## **PUBLIC TESTIMONY ON THE PROPOSED RULE ACTIONS**

1) Mrs. Colleen Grady. Mrs. Grady spoke to the Board regarding proposed amendments to OAC 3301-24-11 Alternative Principal License and OAC 3301-24-12 Alternative Superintendent License and Alternative Administrative Specialist License. A written copy of the testimony was provided.

Mrs. Grady raised the following issues;

1. These two rules represent a missed opportunity. Instead of using alternative licensure to expand access to the profession and address diversity, these rules continue to use alternative licenses as a temporary and lesser credential.
2. Instead of evaluating the background of each applicant, these rules create a one-size-fits-all process regardless of the background or experience of the applicant, ignoring legislative intent.
3. These licenses require individuals be not just employed, but employed in a position that requires the accompanying administrative license, ignoring legislative intent.

Mrs. Fessler asked if these rules could be referred back to the committee for further consideration. Ms. Singh responded the Board could refer these rules back to committee.

Mrs. Fessler moved to refer proposed amendments to OAC 3301-24-11 Alternative Principal License and OAC 3301-24-12 Alternative Superintendent License and Alternative Administrative Specialist License back to committee for further consideration. Mr. Dackin seconded the motion.

Ms. Johnson stated she would have preferred the opportunity to ask questions of Mrs. Grady regarding her testimony before a motion had been put forth.

Mrs. Fessler temporarily withdrew her motion so discussion with Ms. Grady could resume. Mr. Dackin asked if this item needed to be approved today. Ms. Singh responded she would confirm if any extensions on the rules had been filed with JCARR, but did not believe there would be an issue with addressing concerns at this time.

Superintendent DeMaria stated he would commit to the Board to not file these rules at this time and staff would draft an appropriate motion.

Mrs. Fessler responded she believed her motion was appropriate and preferred her motion stand as presented.

Ms. Johnson stated she believed the Superintendent had proposed a proper solution to the issue and asked Vice President McGuire to rule the proposed motion by Mrs. Fessler to be out of order.

Superintendent DeMaria asked for a brief recess to consult on the issue with Vice President McGuire and Ms. Singh. At the conclusion of the brief recess, Vice President McGuire stated according to the Board's Policy and Procedures Manual, the Board would conclude the Public Hearing and then consider the motion by Mrs. Fessler.

Mrs. Fessler asked if the motion were withdrawn and the Hearing concluded, would JCARR then have jurisdiction of the rule. Superintendent DeMaria responded the Board would still be able to address any issues the Board may have. Ms. Singh responded the Department could still withdraw the rules from JCARR and the rules would not be final filed with JCARR until the JCARR hearing had concluded.

Mrs. Fessler withdrew her motion.

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Vice President McGuire called on Ms. Yaniko, who submitted into evidence State Board Exhibits 1 through 4.

Vice President McGuire stated that the exhibits were so received. As there was no more testimony, she declared the public hearing closed at 9: 51 a.m.

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## **PUBLIC PARTICIPATION ON VOTING AGENDA ITEMS**

1) Mr. Daniel Hurley, Government Affairs Consultant and Dr. Erika Kemp, Pediatric SIS Chair, Ohio Occupational Therapy Association. Mr. Hurley and Dr. Kemp provided testimony regarding changes to OAC 3301-51-01, Definitions for Operating Standards for Children with Disabilities. Specifically, concern with how Occupational Therapy Assistants and Physical Therapist Assistants are classified.

2) Ms. Renee Murphy, Advocates for Basic Legal Equality. Ms. Murphy provided testimony to the Board in support of the resolution to adopt the amended Ohio Operating Standards for the Education of Children with Disabilities. A written copy of the testimony was provided.

3) Ms. Kristin Hildebrant, Senior Attorney, Education Team Leader, Disability Rights Ohio. Ms. Hildebrant provided testimony to the Board in support of the resolution to adopt the amended Ohio Operating Standards for the Education of Children with Disabilities. A written copy of the testimony was provided.

4) Ms. Missy Anthony, Executive Director, Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board. Ms. Anthony provided written testimony to the Board regarding

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

1) Mr. Christopher Hicks, Cincinnati. Mr. Hicks provided testimony to the Board regarding revitalization of school boards in the 2021 November 8 election. A written copy of the testimony was provided.

2) Mrs. Dianne Nelson, Ashland. Mrs. Nelson provided written testimony to the Board regarding concerns for the future of education in Ohio and the country.

3) Siriam Satyavolu. Empowering Youth, Exploring Justice (EYEJ), EYEJ Youth Council, EYEJ Millennial Taskforce. EYEJ provided a written statement to the Board regarding their commitment to social justice and advocating for an equitable, diverse reality for our youth.

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### **EXECUTIVE COMMITTEE**

Vice President McGuire stated the scheduled meeting of the Executive Committee would be suspended in the absence of President Kohler. All Board members would have the opportunity to submit input regarding the resolution to approve a parity increase to Superintendent DeMaria. A virtual meeting of the committee will be scheduled.

Mrs. Fessler suggested having the meeting at this time since only one member was missing. Mrs. McGuire responded she wanted all Board members to have the opportunity to participate.

The Board took a brief recess.

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### **EXECUTIVE SESSION AND QUASI-JUDICIAL DISCUSSION**

Vice President McGuire called on Mrs. Manchester, 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.

Mr. LaRue Seconded the motion.

The Vice President called for a roll call vote.

YES VOTES

Christina Collins	Stephen Dackin
Diana Fessler	John Hagan
Meryl Johnson	Jenny Kilgore
Mark Lamoncha	Paul LaRue
Martha Manchester	Charlotte McGuire
Tim Miller	Michelle Newman
Eric Poklar	Brendan Shea

Motion carried.

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

The Board recessed from Executive Session and Quasi-Judicial discussion at 12:20 a.m.

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The State Board recessed for lunch.

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

Chair: Martha 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

**OAC 3301-24-16 Senior Professional Educator License & OAC 3301-24-17 Lead Professional Educator License (*Strategy 1 & 2*)**

- Thomas McGee, Director of the Office of Educator Licensure, provided members with an overview of these Ohio Administrative Code rules pursuant to the five-year rule review process.
- Proposed revisions include updating language to better align with the definitions outlined in OAC 3301-24-01; to remove references to the eight-year professional teaching certificate, all of which have expired and been transitioned to five-year teaching licenses; and streamline and clarify the language in the rules.
- Committee members reviewed and discussed the proposed rules with department staff. Following discussion, the Committee voted 5-1 in favor of a resolution recommending approval of the proposed revised rules as presented. A resolution to adopt the revised rules will appear on the State Board's July 2021 voting agenda.

**Standards-Based Framework for the Evaluation of Principals (*Strategy 2*)**

- Jill Grubb, Associate Director of the Office of Educator Effectiveness, provided committee members with a presentation outlining the development of a revised Standards-Based Framework for the Evaluation of Principals, as well as the use and definition of high-quality student data.
- Ms. Grubb also provided a summary of comments received from education stakeholders. Information regarding the membership of the revised framework writing team and the feedback received from public comment will be shared with the committee members.
- Following discussion, the Committee voted 4-2 in favor of a resolution recommending approval of the proposed revised Standards-based Framework for the Evaluation of Principals as presented. A resolution to adopt the revised framework will appear on the State Board's July 2021 voting agenda.

**Third Grade Reading Guarantee Promotion Score Discussion** (*Strategies 1, 2, 3, 5, 7, 8 & 9*)

- Melissa Weber-Mayrer, Director and LM Clinton, Program Administrator, both from the Office of Approaches to Teaching and Professional Learning respectively, provided members with an overview of the Third Grade Reading Guarantee policy and the Board's responsibility to increase the promotion score on the third grade English language arts assessment until it reaches proficient. Members examined available data and statistics regarding retention and promotion of Ohio third graders.
- Members reviewed the Department's recommendation to adopt a promotion score of 683 for the third grade English language arts assessment. The Board previously adopted this promotion score in 2019; however, this score has never been used due to legislative action taken in response to the pandemic and ordered school building closures in 2019-2020 that suspended promotion score requirements for third graders in both the 2019-2020 and 2020-2021 school years.
- Following discussion, the Committee voted 5-0, with one member abstaining, in favor of a resolution recommending the adoption of a promotion score of 683 for the third grade English language arts assessment. A resolution to adopt the promotion score of 683 will appear on the State Board's July 2021 voting agenda.
- Following the vote, Vice-chair Johnson requested staff share information regarding interventions used to improve the performance of low-income students and any data showing their impact on students' performance.

**OAC 3301-42-01 Criteria for Enrolling Adults in Public Secondary Education Programs** (*Strategy 10*)

- Leah Amstutz, Director, and Shell Nichols, Associate Director, both from the Office of Career-Technical Education, provided members with an overview of this Ohio Administrative Code rule pursuant to the five-year rule review process.
- Proposed revisions include removing language that is redundant of that contained in statute, providing greater clarity, removing limitations on hours of instruction, removing certain admission considerations based on public comment feedback and keeping adult participants under this section separated from the K-12 population.
- Committee members reviewed and discussed the proposed rules with department staff. This revised rule will appear on the Committee's July 2021 agenda for discussion and a possible vote to recommend adoption.
- As time for discussion was limited, committee members are encouraged to email any questions they may have regarding this rule to [trevor.mumm@education.ohio.gov](mailto:trevor.mumm@education.ohio.gov) so that they may be fully addressed at the July meeting.

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

Chair: Antoinette Miranda, Vice Chair: Steve Dackin

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

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

**PURPOSE(S) AND/OR GOAL(S) OF MEETING:**

- Discuss: OAC 3301-56-01 School District and Building Improvement, Supports, and Interventions (Possible Vote)
- Discuss: Attendance Initiatives
- Discuss: Customer Service Project Update

**OAC 3301-56-01 SCHOOL DISTRICT AND BUILDING IMPROVEMENT, SUPPORTS, AND INTERVENTIONS – Patty Nyquist**

- Department staff reviewed the purpose of OAC 3301-56-01, proposed changes, stakeholder engagement process and the public comments that were received.
- The rule was approved by the committee with a unanimous vote by committee members.

**ATTENDANCE INITIATIVES – Brittany Miracle, Heather Boughton, Cindy Dewey, and Brian Knight**

- Department staff discussed the importance of attendance, student attendance data from the past 3 years and root causes for chronic absenteeism. Staff also shared the various partnerships such as the Supreme Court of Ohio, the Stay in the Game! Network and Proving Ground to address different attendance initiatives.
- Staff addressed questions from committee members regarding:
  - Available attendance data after the 2018-2019 school year
  - The Whole Child Framework infographic
  - The possible reasons for increased chronic absenteeism in elementary schools
  - The Proving Ground partnership and the attendance strategies they are implementing with their partner districts
  - How districts define and record absences
  - If districts are utilizing the interventions that are available through the juvenile justice system
  - If the governor's Student Wellness and Success Funds have been or can be used to address attendance issues
  - How districts are making high school relevant to students

**CUSTOMER SERVICE PROJECT UPDATE – John Richard, Lori Kelly, Heather Boughton and Thomas McGee**

- Department staff introduced the Department's goal of providing good customer service and discussed the implementation process and the data received from customer feedback during the pilot phase. Staff from one of the pilot offices

discussed how they used the data to identify improvement areas and to celebrate staff successes.

- Staff addressed a question regarding anonymity of respondents.

**ITEMS VOTED ON AND OUTCOME OF VOTE:**

Chapter 3301-56-01 was approved by committee by a unanimous vote.

**WILL THERE BE A VOTE OR INFORMATION IN FRONT OF THE FULL BOARD AT NEXT OR UPCOMING MEETING?**

Chapter 3301-56-01 will be introduced for a vote at the July board meeting.

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

Chair: Paul LaRue, Vice Chair: Mark Lamoncha

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

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

**OAC Chapter 3301-16 Rule Review**

Lisa Chandler, Director, Office of Assessment, Graham Wood, Graduation Requirements Program Administrator; Center for Teaching, Leading, and Learning

Four rules related to assessment and graduation were discussed. These are not new rules. The rules are part of the regular five-year review process.

1. 3301-16-01 GPA calculation chart for alternative pathway to graduation
  - Standardizes letter grades to corresponding impact on GPA
  - Available to students (prior to class of 2019) who have passed all but one Ohio Graduation Test (OGT)
  - No change proposed
2. 3301-16-05 Additional assessment options for students required to pass the Ohio Graduation Tests
  - Options available in addition to OGT
  - Includes Ohio's State Tests, ACT, SAT, Advanced Placement, International Baccalaureate, College Credit Plus
  - Especially relevant next year when OGT is no longer available
  - Proposed change: "competency" rather than "proficiency" for Algebra I and English language arts II
3. 3301-16-06 Retaking End-of-Course Exams
  - Allows a student to retake end-of-course tests
  - Specifies an absent student may take the exam for which the student was absent or a different version of the state end-of-course test
  - No change proposed
4. 3301-16-07 End-of-Course Exam in science
  - Prescribes science testing requirement for students who entered ninth grade between July 1, 2014, and June 30, 2015
  - By statute, physical science test eliminated July 1, 2019, and biology test required

- Proposed change: eliminates language on physical science end-of-course test

### **Alternate Assessment Standard Setting**

Lisa Chandler, Director, Office of Assessment

Wendy Stoica, Education Program Specialist, Office of Assessment

### **Refresher: Educator Panels**

- 51 educators in 12 groups
- English language arts and mathematics: Grades 3-4, 5-6, 7-8, High School
- Science: Grades 5, 8, High School
- Social Studies: High School

### **Bookmark Procedure**

Ohio uses the Bookmark methodology to develop recommendations. Items in a test ordered by difficulty from easiest to hardest. Subject matter experts place a "bookmark" in the "ordered item booklet" such that a student at the threshold of a performance level would be expected to respond successfully to the items prior to the bookmark with a likelihood equal to or greater than the specified response probability value (and with a likelihood less than that value for items after the bookmark).

### **Recommended Performance Cuts**

Recommended performance cuts that came out of the educator panels were shared with committee members to review and discuss.

### **Educator Panel Process Feedback**

- Confident that the student performance standards correctly classify students into the appropriate performance levels
- Appreciated collaboration between educators
- Gained a thorough understanding of the process
- Honest dialogue amongst panelists
- Comfortable stating independent opinions without judgement
- Better understanding of the performance level descriptors to target student instruction

### **Standard Setting Next Steps**

- The Alternate Assessment Performance Standards were advanced by the committee for July 12th-13th: full Board consideration.

### **Planning for Next Meeting**

- Ongoing rule review
- Career Tech Report Card discussion
- Continued discussions on Ohio's Accountability System and Report Cards

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

Chair: Charlotte McGuire, Vice Chair: Jenny Kilgore

Dr. Kilgore 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, Martha Manchester, and Michelle Newman.

### **Supporting Early Learners**

- Department staff provided an overview of the intentional work the Department is engaged in to support early learners and early childhood educators. Three major projects were presented, including: State Leadership Team on Early Childhood Inclusion, Early Childhood Inclusive Leadership Fellowship and the 2021 revision of Ohio's Early Learning and Development Standards. Ohio received a federal grant for the Early Childhood Inclusive Leadership Fellowship work, which focuses on enhancing the skills, knowledge, and leadership capacity of those working in early childhood with children who have disabilities. Staff shared the stakeholder process being used to revise Ohio's Early Learning and Development Standards. Ohio's Early Learning and Development Standards cover ages birth through kindergarten entry. Child-care and preschool programs must have curricula that align to these standards. The standards were last adopted by the State Board of Education October 2012. After the revisions, the standards will come to the State Board of Education for review and approval.
- Committee members requested information for OCALICON conference registration. Committee Member Manchester requested additional information on the experts supporting the Early Learning and Development Standards and information on executive functioning research.
- The agenda item was discussion only, therefore, there was no action by the committee and the item is not scheduled for full board.

### **Child Nutrition Programs: Supporting Students with Nutritious Meals**

- Department staff presented information on the importance of child nutrition in meeting the needs of the whole child. School nutrition programs can expect flexibility in the 2021-2022 school year with federal waivers and flexibilities to increase funding, support access and balance operational needs with the goal of providing nutritious meals. Staff presented how school meal programs changed and adapted during the COVID-19 pandemic with new service models and take-home meal packs while the Department focused on supporting and providing flexibility to meet local district needs. As a result of these changes and flexibilities, many school nutrition programs have been able to reach their broader community to meet the needs of the whole child. Staff also shared information on Ohio Farm to Whole Child Week which is August 2-6, 2021.
- Committee members asked about the funding for school nutrition programs and the safeguards in place to maintain program integrity.
- Committee member Fessler requested additional information on the total cost of the school nutrition programs, the cost per pupil and the state funding contribution.
- Committee members had additional questions that were not able to be discussed due to time constraints; Committee Co-Chair Kilgore determined the topic would be continued for discussion in July.
- The agenda item was discussion only, therefore, there was no action by the committee and the item is not scheduled for full board.

### **Strategic Plan Strategy Updates**

- Department staff provided an update on the Whole Child Advisory Group and implementation of Ohio's Whole Child Framework. Committee Members Mark Lamoncha and Meryl Johnson serve on the Whole Child Advisory Group.

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**BOARD PRESENTATIONS AND DISCUSSION FROM THE BUDGET COMMITTEE**

Chair: Mike Toal

Dr. Kilgore gave a report from the Budget Committee meeting focusing on the following issues:

Meeting Date: Monday, June 7, virtual.

Members Present: Mike Toal, Jenny Kilgore, Tim Miller, and Brendan Shea.

Presentations to the committee included:

**Federal Subsidies and Programs Budget**

1. As a follow-up to prior meetings, Aaron Rausch reviewed FY20 subsidy disbursements – with more than 78% paid to traditional districts, followed by 8.7% paid to community schools.
2. The committee also looked at historical GRF expenditures by line item, and budgets by line-item and set-aside.
3. The committee discussed the Department’s federal funds budget in FY21, which is more than \$2.5 billion – or 18% of the total agency budget. The amount of federal funds has increased significantly because of the federal COVID relief grants.
4. Mr. Rausch discussed the life cycle of federal funds. They are typically available for a longer period than State funds and are provided on a reimbursement basis. In one State fiscal year, it is likely that the State is accessing up to three federal fiscal years.
5. Mr. Rausch explained that grants may be either formula or competitive in nature. Formula grants follow a federal prescribed allocation methodology and specify eligible entities. Federal funds are also restricted in their use and purpose.
6. The committee discussed grants that the Department of Education currently receives and how those grant dollars are spent.
7. The committee also discussed Federal COVID Relief Funding dollars and how those dollars are dispersed and granted.

**HB 110 Updated**

Mr. Rausch also discussed HB 110 and where it was in the process. He is requested to provide an update during the July Board meeting.

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**BOARD PRESENTATIONS AND DISCUSSION FROM THE EMIS ADVISORY COUNCIL**

Mr. Miller gave a report from the EMIS Advisory Council meeting focusing on the following issues:

Meeting Date: May 18, 2021.

The EMIS Advisory Council met on May 18 to review and adopt its 3<sup>rd</sup> annual report to the State Superintendent of Public Instruction. Since its creation in the fall of 2018, six workgroups completed their work, and the council identified a total of 105 opportunities for improvement within the EMIS system.

Department staff provided the council members with an update on the status of each recommendation as follows:

- 39 recommendations are complete, and all work is done.

- 41 recommendations are in progress, meaning Department staff are working actively on the recommendation and it will be completed within the next two years.
- 7 recommendations are ongoing, which indicates the recommendation is open, but the Department is not actively working on it. This could be due to prioritization, action from external partners is needed, or it is dependent upon a legislative change.
- 18 recommendations are in a state called long-term or under future consideration, which indicates the recommendation is under discussion but will not be completed in the next two years. In some cases, the recommendation is dependent on other work being completed first. In other cases, the EMIS Advisory Council indicated the item was a lower priority and asked Department staff to address higher priority items first.

Recommendations from the EMIS Professional Qualifications and Development workgroup are included in the annual report. While the workgroup did not recommend licensure for EMIS coordinators, the workgroup did recommend four items where work is in progress. In accordance with one of these recommendations, the council recently appointed a new workgroup to advise Department staff as work continues on implementing the remaining three recommendations.

The annual report also contains a matrix from the Career-Technical Education workgroup identifying reports that stakeholders who work with career-technical data will find useful. The reports identified in the matrix will guide career-technical education report development work during the next 12 months and beyond.

The Secure Data Center workgroup wrapped up its work earlier this year. The council included 18 recommendations in this report, and work is in progress on 11 of the items.

A final topic in the report is an update on the workgroup created to help implement Outcome 3 of our Statewide Longitudinal Data Systems Grant. In the grant, the EMIS Advisory Council is listed as a source of input and feedback on how to enhance the existing system and data sets, develop reports on progress toward graduation, develop an Early Warning System related to likelihood of graduating and use data to identify students at risk of not graduating. As part of this work, the Department also is creating focus groups that will help with detailed design of different parts of the system.

In the coming months, Department staff will work with the council members to create new workgroups as needed. The overarching recommendation made by the council is to perform a comprehensive review of all EMIS elements to determine if some reporting can be eliminated. Several council members proposed creating a workgroup to help support this work and offer feedback on ways to increase efficiency in the collection of the data. The next meeting of the full council will take place in the fall after the new school year commences.

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

Vice President McGuire called on Superintendent DeMaria for his report and recommendations.

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

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

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

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

WHEREAS on May 11, 2021, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Nathan J. Bodenschatz that authorizes the State Board of Education to enter an order permanently revoking all of his current and previously held licenses, permits, and certificates and permanently denying any pending applications that he has submitted for a license, permit, or certificate based upon Mr. Bodenschatz's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

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

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and Ohio Revised Code 3319.311(F), hereby **REVOKES** Nathan J. Bodenschatz's current and any previously held licenses, permits, and certificates and **DENIES** any pending applications that he has submitted for a license, permit, or certificate based upon Mr. Bodenschatz's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b) and (A)(3)(b), orders Nathan J. Bodenschatz 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. Bodenschatz of this action.

2. **RESOLUTION TO ACCEPT THE PERMANENT VOLUNTARY SURRENDER AND DENIAL OF LICENSES FORM SIGNED BY RICHARD L. EDIE AND TO ENTER AN ORDER TO REVOKE PERMANENTLY ALL**

**OF HIS CURRENT AND PREVIOUSLY HELD LICENSES, PERMITS,  
AND CERTIFICATES AND TO DENY PERMANENTLY ANY OF HIS  
PENDING APPLICATIONS FOR A LICENSE, PERMIT, OR  
CERTIFICATE**

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

WHEREAS Richard L. Edie has applied for and/or has been issued a license, permit, or certificate by the Ohio Department of Education; and

WHEREAS on March 16, 2021, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Richard L. Edie that authorizes the State Board of Education to enter an order permanently revoking all of his current and previously held licenses, permits, and certificates and permanently denying any pending applications that he has submitted for a license, permit, or certificate based upon Mr. Edie's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

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

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and Ohio Revised Code 3319.311(F), hereby **REVOKES** Richard L. Edie's current and any previously held licenses, permits, and certificates and **DENIES** any pending applications that he has submitted for a license, permit, or certificate based upon Mr. Edie's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b) and (A)(3)(b), orders Richard L. Edie 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. Edie of this action.

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

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

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

WHEREAS on May 4, 2021, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Donald D. Phillips that authorizes the State Board of Education to enter an order permanently revoking all of his current and previously held licenses, permits, and certificates and permanently denying any pending applications that he has submitted for a license, permit, or certificate based upon Mr. Phillips' decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

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

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and Ohio Revised Code 3319.311(F), hereby **REVOKES** Donald D. Phillips's current and any previously held licenses, permits, and certificates and **DENIES** any pending applications that he has submitted for a license, permit, or certificate based upon Mr. Phillips' decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b) and (A)(3)(b), orders Donald D. Phillips 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. Phillips of this action.

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

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

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

WHEREAS on April 15, 2021, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Robert M. Simon that authorizes the State Board of Education to enter an order permanently revoking all of his current and previously held licenses, permits, and certificates

and permanently denying any pending applications that he has submitted for a license, permit, or certificate based upon Mr. Simon's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

WHEREAS the form specifies that Robert M. Simon is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and Ohio Revised Code 3319.311(F), hereby **REVOKES** Robert M. Simon's current and any previously held licenses, permits, and certificates and **DENIES** any pending applications that he has submitted for a license, permit, or certificate based upon Mr. Simon's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b) and (A)(3)(b), orders Robert M. Simon 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. Simon of this action.

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

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

WHEREAS Larry-Ray M. Stankorb has applied for and/or has been issued a license, permit, or certificate by the Ohio Department of Education; and

WHEREAS on April 15, 2021, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Larry-Ray M. Stankorb that authorizes the State Board of Education to enter an order permanently revoking all of his current and previously held licenses, permits, and certificates and permanently denying any pending applications that he has submitted for a license, permit, or certificate based upon Mr. Stankorb's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.31; and

WHEREAS the form specifies that Larry-Ray M. Stankorb is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and Ohio Revised Code 3319.311(F), hereby **REVOKES** Larry-Ray M. Stankorb's current and any previously held licenses, permits, and certificates and **DENIES** any pending applications that he has submitted for a license, permit, or certificate based upon Mr. Stankorb's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.31. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b) and (A)(3)(b), orders Larry-Ray M. Stankorb 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. Stankorb of this action.

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

Vice President McGuire called for a roll call vote.

YES VOTES

- |                   |                   |
|-------------------|-------------------|
| Christina Collins | Stephen Dackin    |
| Diana Fessler     | John Hagan        |
| Kirsten Hill      | Meryl Johnson     |
| Jenny Kilgore     | Mark Lamoncha     |
| Paul LaRue        | Martha Manchester |
| Charlotte McGuire | Tim Miller        |
| Michelle Newman   | Eric Poklar       |
| Brendan Shea      |                   |

Motion carried.

Mr. Dackin presented the following recommendation (Item 6):

**6. RESOLUTION TO ADOPT CHANGES TO OHIO ADMINISTRATIVE CODE 3301-3-01- THROUGH 3301-3-07 / DATA ACQUISITION SITES**

The State Board of Education (“Board”) hereby **ADOPTS** changes to Ohio Administrative Code (OAC) 3301-3-01 through 3301-3-07 / Data Acquisition Sites as follows:

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

ORC 3301.075 requires the Board to adopt rules governing the purchasing and leasing of data processing services and equipment for all local, exempted village, city, and joint vocational school districts and all educational service centers;

ORC 3301.075 requires the rules to include provisions for the establishment of an Ohio education computer network under procedures, guidelines, and specifications of the department of education;

The Unit of Field Relations recommends approving the rules with only minor punctuation changes that do not affect the substance of the rules;

The Department received no comments from the education community concerning these rules;

The Emerging Issues Committee recommended that the Board adopt changes to OAC 3301-3-01 through 3301-3-07 / Data Acquisition Sites in the form attached hereto.

NOW, THEREFORE, BE IT RESOLVED, that the Board adopt changes to OAC 3301-3-01 through 3301-3-07 / Data Acquisition Sites in the form attached hereto;

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

FURTHER RESOLVED, that the Superintendent of Public Instruction be, and hereby is, directed to give proper notice under the provisions of Chapter 119 of the Revised Code of the holding of a hearing on said rules; that public notice be given in the Register of Ohio, and that said notice contain a general statement of the subject matter to which the rules relate.

It was Moved by Mr. Dackin that the above recommendation (Item 6) be approved.

Vice President McGuire called for a roll call vote.

YES VOTES

Christina Collins  
Kirsten Hill  
Jenny Kilgore  
Paul LaRue  
Charlotte McGuire  
Michelle Newman  
Brendan Shea

Stephen Dackin  
Meryl Johnson  
Mark Lamoncha  
Martha Manchester  
Tim Miller  
Eric Poklar

NO VOTES

Diana Fessler

John Hagan

Motion carried.

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Mrs. Manchester presented the following recommendation (Item 7):

**7. RESOLUTION TO ADOPT CHANGES TO OHIO ADMINISTRATIVE  
RULE 3301-23-41 / TWELVE HOUR OR FORTY HOUR TEMPORARY  
TEACHING PERMIT FOR QUALIFIED NONLICENSED INDIVIDUALS**

The State Board of Education (“Board”) hereby **ADOPTS** changes to Ohio Administrative Code (OAC) 3301-23-41 / Twelve Hour or Forty Hour Temporary Teaching Permit for Qualified Nonlicensed Individuals as follows:

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

ORC 3319.22 allows the Board to issue any educator licenses of categories, types, and levels the Board elects to provide;

ORC 3319.301 requires the Board to issue permits to individuals who are not licensed as required by ORC 3319.22 to ORC 3319.30, but who are otherwise qualified, to teach classes for not more than a total of twelve hours a week, except that an individual teaching in a STEM school or an individual teaching an industry-recognized credential program offered at a dropout recovery community school may teach classes for not more than a total of forty hours a week;

ORC 3319.301 requires the Board, by rule, to set forth the qualifications to be met by individuals in order to be issued a permit under that section;

ORC 3319.301 requires that the qualifications obtain a permit include the possession of a baccalaureate, master’s, or doctoral degree in, or significant experience related to, the subject the individual is to teach;

ORC 3319.301 requires the rule to include provisions that the board of education or STEM school shall engage a nonlicensed individual on a volunteer basis, or by entering into a contract with the individual or the individual’s employer on such terms and conditions as are agreed to between the board or school and the individual or the individual’s employer;

ORC 3319.301 requires the rule to include a provision that an employee of the board of education or STEM school who is licensed under ORC 3319.22 to ORC 3319.30 shall directly supervise a nonlicensed individual who is engaged under this permit until the superintendent of the school district or chief administrative officer of the STEM school is satisfied that the nonlicensed individual has sufficient understanding of, and experience in, effective teaching methods to teach without supervision;

Senate Bill 89 of the 133<sup>rd</sup> General Assembly amended ORC 3319.301 to expand the range of eligible applicants for a forty-hour permit under the rule to include individuals teaching industry-recognized credential programs offered at dropout recovery community schools;

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Board adopts changes to OAC 3301-23-41 / Twelve Hour or Forty Hour Temporary Teaching Permit for Qualified Nonlicensed Individuals in the form attached hereto;

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

FURTHER RESOLVED, that the Superintendent of Public Instruction be, and hereby is, directed to give proper notice under the provisions of Chapter 119 of the Revised Code of the holding of a hearing on said rule; that public notice be given in the Register of Ohio, and that said notice contain a general statement of the subject matter to which the rule relates.

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

Vice President McGuire called for a roll call vote.

YES VOTES

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

NO VOTES

Diana Fessler	Kirsten Hill
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Motion carried.

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Mrs. Manchester presented the following recommendation (Item 8):

**8. RESOLUTION TO ADOPT CHANGES TO OHIO ADMINISTRATIVE  
RULE 3301-24-08 / PROFESSIONAL OR ASSOCIATE LICENSE  
RENEWAL**

The State Board of Education (“Board”) hereby **ADOPTS** changes to Ohio Administrative Code (OAC) Ohio Administrative Code 3301-24-08 / Professional or Associate License Renewal as follows:

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

ORC 3319.22 allows the Board to issue any educator licenses of categories, types, and levels the Board elects to provide;

ORC 3319.22 requires the Board to adopt rules to exempt consistently high-performing teachers from the requirement to complete any additional coursework for the renewal of an educator license issued under that section or under ORC 3319.26 and from any requirements prescribed by professional development committees established under divisions (F) and (G) of ORC 3319.22;

ORC 3319.22 requires the Board to define the term “consistently high-performing teacher” for the purpose above;

Changes to this rule include reducing the number of hours to renew a license that has lapsed for more than five years;

Changes to this rule also include creating a new licensure option for educators whose licenses have lapsed for more than one year to re-enter the education profession more easily;

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Board adopts changes to OAC 3301-24-08 / Professional or Associate License Renewal in the form attached hereto;

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

FURTHER RESOLVED, that the Superintendent of Public Instruction be, and hereby is, directed to give proper notice under the provisions of Chapter 119 of the Revised Code of the holding of a hearing on said rule; that public notice be given in the Register of Ohio, and that said notice contain a general statement of the subject matter to which the rule relates.

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

Vice President McGuire called for a roll call vote.

YES VOTES

Christina Collins  
John Hagan  
Meryl Johnson

Stephen Dackin  
Kirsten Hill  
Jenny Kilgore

Mark Lamoncha  
Martha Manchester  
Tim Miller  
Eric Poklar

Paul LaRue  
Charlotte McGuire  
Michelle Newman  
Brendan Shea

NO VOTES

Diana Fessler

Motion carried.

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Dr. Kilgore presented the following recommendation (Item 9):

**9. RESOLUTION TO ADOPT PROPOSED AMENDMENTS TO OHIO'S OPERATING STANDARDS FOR THE EDUCATION OF CHILDREN WITH DISABILITIES OAC 3301-51-01 THROUGH 3301-51-10 AND OAC 3301-51-20 THROUGH 3301-51-21**

The State Board of Education ("Board") hereby **ADOPTS** changes to Ohio Administrative Code (OAC) 3301-51-01 through 3301-51-10 and OAC 3301-51-20 through 3301-51-21, the Ohio Operating Standards for the Education of Children with Disabilities as follows:

Ohio Revised Code (ORC) Section 3301.07(J) allows for the Board to adopt procedures, standards, and guidelines for the education of children with disabilities pursuant to Chapter 3323. of the Revised Code;

ORC Section 3310.41 requires the Board to adopt rules to prescribe procedures to implement the Autism scholarship program;

ORC Section 3310.64 requires the Board to adopt rules to establish procedures for parents to apply for scholarships;

ORC Section 3323.02 requires the Board to establish rules or standards for the provision of special education and related services;

ORC Section 3323.03 requires the Board to establish standards and procedures for the identification, location, and evaluation of children with disabilities;

ORC Section 3323.04 requires the Board to establish standards and procedures for the development of the individualized education programs for children with disabilities;

ORC Section 3323.041 allows the Board to adopt rules for a school district to provide special education services and related services to nonpublic elementary and secondary school children with disabilities in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. 1412(a)(10);

ORC Section 3323.05 requires the Board to establish procedures to assure children with disabilities and their parents guaranteed procedural safeguards to a free appropriate public education;

ORC Section 3323.07 requires the Board to authorize and require the school districts, and may authorize any other educational agency, to establish and maintain special education and related services for children with disabilities who are at least age three through the age of twenty-one;

ORC Section 3327.01 allows the Board to prescribe minimum standards for the transportation of all children with disabilities who are unable to walk to and from school;

These Operating Standards for the Education of Children with Disabilities were adopted by the Board and are codified under OAC Sections 3301-51-01 through 3301-51-10 and OAC 3301-51-20 through 3301-51-21;

The Board is reviewing these rules as part of a five-year review as required by law; and

The Integrated Student Supports Committee recommended that the Board approve the proposed revisions to OAC Sections 3301-51-01 through 3301-51-10 and OAC 3301-51-20 through 3301-51-21 in the form attached hereto at its May 2021 meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Board approves the proposed revisions to OAC Sections 3301-51-01 through 3301-51-10 and OAC 3301-51-20 through 3301-51-21 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 Dr. Kilgore that the above recommendation (Item 9) be approved.

Mrs. Fessler stated it would be worth our consideration to not do hunks of rules at one time, rather do them in smaller segments where they could be read, studied, and debated. At this volume, she stated she did not believe we were doing due diligence or our best efforts to the people we represent and the children. Vice President McGuire responded the rule review had been done over a three-month period and the committee structure is in place to do a deep dive into the rule. Mrs. Fessler responded there is not enough time even in the committee structure to do this deep dive and seems not to be welcome to this kind of work that she feels needs to be done on some of the rules.

Vice President McGuire called for a roll call vote.

YES VOTES

Christina Collins  
Meryl Johnson  
Mark Lamoncha  
Martha Manchester  
Tim Miller  
Eric Poklar

Stephen Dackin  
Jenny Kilgore  
Paul LaRue  
Charlotte McGuire  
Michelle Newman

NO VOTES

Diana Fessler  
Kirsten Hill

John Hagan

ABSTAIN

Brendan Shea

Motion carried.

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Vice President McGuire presented the following recommendation (Item 10):

**10. RESOLUTION TO ADOPT THE RECOMMENDATION OF THE HEARING OFFICER AND TO APPROVE THE TRANSFER OF SCHOOL DISTRICT TERRITORY FROM THE AKRON PUBLIC SCHOOL DISTRICT, SUMMIT COUNTY, TO THE TALLMADGE SCHOOL DISTRICT, SUMMIT COUNTY, PURSUANT TO SECTION 3311.24 OF THE OHIO REVISED CODE.**

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

Pursuant to Ohio Revised Code (“ORC”) Section 3311.24, residents Steven and Ashley Barket (“Petitioners”) have petitioned for the transfer of school district territory from the Akron Public School District, Summit County, to the Tallmadge School District, Summit County;

Petitioners requested a hearing, which was held on November 18, 2020, before a duly appointed hearing officer;

In his report, submitted March 3, 2021, the hearing officer, Paul Stehura, recommends that the Board approve the proposed transfer of territory from the Akron Public School District, Summit County, to the Tallmadge School District, Summit County, pursuant to ORC 3311.24; and

In the report, hearing officer Stehura concludes that in balancing the competing issues and giving primary consideration to the present and ultimate good of all pupils concerned, Petitioners have met their burden of proof to support the request to transfer their property from the Akron Public School District to the Tallmadge School District.

NOW, THEREFORE, BE IT RESOLVED, that upon consideration of the hearing officer’s report and the relevant law, the Board hereby adopts the recommendation of the hearing officer and approves the request for the transfer of territory from the Akron Public School District, Summit County, to the Tallmadge School District, Summit County, for the reasons outlined in the hearing officer’s report and recommendation; and

BE IT FURTHER RESOLVED, that the Superintendent of Public Instruction be, and he hereby is, directed to serve a true copy of this resolution on the

Petitioners, the Akron Public School District, Summit County, the Tallmadge School District, Summit County, and counsel of record, if applicable.

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

Vice President McGuire called for a roll call vote.

YES VOTES

Christina Collins	Stephen Dackin
Diana Fessler	John Hagan
Kirsten Hill	Jenny Kilgore
Mark Lamoncha	Paul LaRue
Martha Manchester	Charlotte McGuire
Michelle Newman	Eric Poklar
Brendan Shea	

NO VOTES

Meryl Johnson

ABSTAIN

Tim Miller

Motion carried.

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

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

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

WHEREAS Elliot Cromer has applied for and/or has been issued a license, permit, or certificate by the Ohio Department of Education; and

WHEREAS on April 23, 2021, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Elliot Cromer that authorizes the State Board of Education to enter an order permanently revoking all of his current and previously held licenses, permits, and certificates and permanently denying any pending applications that he has submitted for a license, permit, or certificate based upon Mr. Cromer's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.31; and

WHEREAS the form specifies that Elliot Cromer is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and Ohio Revised Code 3319.311(F), hereby **REVOKES** Elliot Cromer's current and any previously held licenses, permits, and certificates and **DENIES** any pending applications that he has submitted for a license, permit, or certificate based upon Mr. Cromer's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.31. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b) and (A)(3)(b), orders Elliot Cromer 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. Cromer of this action.

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

Vice President McGuire called for a roll call vote.

YES VOTES

Christina Collins  
Diana Fessler  
Kirsten Hill  
Jenny Kilgore  
Paul LaRue  
Tim Miller  
Eric Poklar

Stephen Dackin  
John Hagan  
Meryl Johnson  
Mark Lamoncha  
Martha Manchester  
Michelle Newman  
Brendan Shea

ABSTAIN

Charlotte McGuire

Motion carried.

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

12. **RESOLUTION TO ACCEPT THE PERMANENT VOLUNTARY SURRENDER AND DENIAL OF LICENSES FORM SIGNED BY ERIC D. ZIMMERMAN AND TO ENTER AN ORDER TO REVOKE**

**PERMANENTLY ALL OF HIS CURRENT AND PREVIOUSLY HELD LICENSES, PERMITS, AND CERTIFICATES AND TO DENY PERMANENTLY ANY OF HIS PENDING APPLICATIONS FOR A LICENSE, PERMIT, OR CERTIFICATE**

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

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

WHEREAS on April 28, 2021, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Eric D. Zimmerman that authorizes the State Board of Education to enter an order permanently revoking all of his current and previously held licenses, permits, and certificates and permanently denying any pending applications that he has submitted for a license, permit, or certificate based upon Mr. Zimmerman's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.31; and

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

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and Ohio Revised Code 3319.311(F), hereby **REVOKES** Eric D. Zimmerman's current and any previously held licenses, permits, and certificates and **DENIES** any pending applications that he has submitted for a license, permit, or certificate based upon Mr. Zimmerman's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.31. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b) and (A)(3)(b), orders Eric D. Zimmerman 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. Zimmerman of this action.

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

Vice President McGuire called for a roll call vote.

**YES VOTES**

Christina Collins  
Diana Fessler  
Kirsten Hill  
Jenny Kilgore

Stephen Dackin  
John Hagan  
Meryl Johnson  
Mark Lamoncha

Paul LaRue  
Tim Miller  
Eric Poklar

Martha Manchester  
Michelle Newman  
Brendan Shea

ABSTAIN

Charlotte McGuire

Motion carried.

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

**13. RESOLUTION TO REVOKE PERMANENTLY THE THREE-YEAR PUPIL ACTIVITY PERMIT OF JAMES E. AUSTIN, JR.**

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

WHEREAS James E. Austin, Jr. holds a three-year pupil activity permit issued in 2018 with an effective year of 2017; and

WHEREAS on March 9, 2021, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified James E. Austin, Jr. of its intent to determine whether to limit, suspend, revoke, or permanently revoke his three-year pupil activity permit issued in 2018 with an effective year of 2017 pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(b). The notice was based upon Mr. Austin's 2020 conviction in the Berea Municipal Court for one misdemeanor count of menacing and one misdemeanor count of violating a protection order, 2020 conviction in the Berea Municipal Court, in a separate case, for one misdemeanor count of domestic violence, and 2011 conviction in the Cleveland Municipal Court for one minor misdemeanor count of disorderly conduct; and

WHEREAS the notice informed Mr. Austin 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 with an effective year of 2017; and

WHEREAS James E. Austin, Jr. 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 Berea Municipal Court and the Cleveland Municipal Court, and certified police records from the Berea Police Department; and

WHEREAS Ohio Administrative Code Rule 3301-73-05 authorizes the State Board of Education to impose disciplinary action against any licenses held or applied for without holding an administrative hearing if the applicant and/or

license holder fails within thirty days to request a hearing in accordance with Section 119.07 of the Ohio Revised Code; and

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(b), hereby **REVOKES** James E. Austin, Jr.'s three-year pupil activity permit issued in 2018 with an effective year of 2017 based upon Mr. Austin's 2020 conviction in the Berea Municipal Court for one misdemeanor count of menacing and one misdemeanor count of violating a protection order, 2020 conviction in the Berea Municipal Court, in a separate case, for one misdemeanor count of domestic violence, and 2011 conviction in the Cleveland Municipal Court for one minor misdemeanor count of disorderly conduct. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders that James E. Austin, Jr. be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education; and, Be It Further

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

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

Vice President McGuire called for a roll call vote.

YES VOTES

- |                   |                   |
|-------------------|-------------------|
| Christina Collins | Stephen Dackin    |
| Diana Fessler     | John Hagan        |
| Kirsten Hill      | Meryl Johnson     |
| Jenny Kilgore     | Mark Lamoncha     |
| Paul LaRue        | Martha Manchester |
| Charlotte McGuire | Tim Miller        |
| Michelle Newman   | Eric Poklar       |
| Brendan Shea      |                   |

Motion carried.

\_\_\_\_\_  
Aaron Ross, Director, Office of Professional Conduct, presented the following recommendation (Item 14):

14. **RESOLUTION TO REVOKE PERMANENTLY THE ONE-YEAR SUBSTITUTE MULTI-AGE TEACHING LICENSE, ONE-YEAR**

**SUBSTITUTE MULTI-AGE TEACHING LICENSE, AND ONE-YEAR EDUCATIONAL AIDE PERMIT OF KYLEE K. CLAMP**

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

WHEREAS Kylee K. Clamp holds a one-year substitute multi-age teaching license issued in 2020, one-year substitute multi-age teaching license issued in 2019, and one-year educational aide permit issued in 2019; and

WHEREAS on March 17, 2021, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Kylee K. Clamp of its intent to determine whether to limit, suspend, revoke, or permanently revoke her one-year substitute multi-age teaching license issued in 2020, one-year substitute multi-age teaching license issued in 2019, and one-year educational aide permit issued in 2019 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Clamp's 2019 conviction in the Wayne County Municipal Court for one misdemeanor count of endangering children, 2019 conviction in the Wayne County Municipal Court for one misdemeanor count of operating a vehicle under the influence of alcohol or drugs (OVI), and 2014 conviction in the Marion Municipal Court for one

misdemeanor count of operating a vehicle under the influence of alcohol or drugs (OVI); and

WHEREAS the notice informed Ms. Clamp that if she fails within thirty days to request a hearing in accordance with Section 119.07 of the Ohio Revised Code, the State Board of Education will proceed to determine whether to limit, suspend, revoke, or permanently revoke her one-year substitute multi-age teaching license issued in 2020, one-year substitute multi-age teaching license issued in 2019, and one-year educational aide permit issued in 2019; and

WHEREAS Kylee K. Clamp 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, and certified court records from the Wayne County Municipal Court and Marion Municipal Court; and

WHEREAS Ohio Administrative Code Rule 3301-73-05 authorizes the State Board of Education to impose disciplinary action against any licenses held or applied for without holding an administrative hearing if the applicant and/or license holder fails within thirty days to request a hearing in accordance with Section 119.07 of the 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** Kylee K. Clamp's one-year substitute multi-age

teaching license issued in 2020, one-year substitute multi-age teaching license issued in 2019, and one-year educational aide permit issued in 2019 based upon Ms. Clamp's 2019 conviction in the Wayne County Municipal Court for one misdemeanor count of endangering children, 2019 conviction in the Wayne County Municipal Court for one misdemeanor count of operating a vehicle under the influence of alcohol or drugs (OVI), and 2014 conviction in the Marion Municipal Court for one misdemeanor count of operating a vehicle under the influence of alcohol or drugs (OVI). Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders that Kylee K. Clamp 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. Clamp of this action.

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

Vice President McGuire called for a roll call vote.

YES VOTES

Christina Collins  
Diana Fessler  
Kirsten Hill  
Jenny Kilgore  
Paul LaRue  
Charlotte McGuire  
Michelle Newman  
Brendan Shea

Stephen Dackin  
John Hagan  
Meryl Johnson  
Mark Lamoncha  
Martha Manchester  
Tim Miller  
Eric Poklar

Motion carried.

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Mrs. Fessler stated we are having the Department of Education make the motion, why isn't a member of the Board making the motion. Vice President McGuire responded the first person to respond is the person making the motion. Mrs. Fessler stated on the previous resolution Mrs. Manchester simply said yes and did not make the motion. Superintendent DeMaria stated the Department is simply reading the title of the motion and the presiding officer asks who is moving the motion. Mr. Hagan recommended the person making the motion say "so moved" to reflect the record more accurately. Vice President McGuire asked if there were any objections to Mr. Hagan's recommendation. Dr. Kilgore stated she had no objections and in local government, this was how the procedure was handled. Ms. Johnson stated she did not see why this was necessary.

Vice President McGuire stated if there was no other debate or objections, we will take a vote on changing our parliamentary procedure for the Board member to say, "I so move" for any item that is considered for Board approval in a motion and the second person will say "I second that motion."

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

Vice President McGuire called for a roll call vote.

YES VOTES

Stephen Dackin	Diana Fessler
John Hagan	Kirsten Hill
Jenny Kilgore	Mark Lamoncha
Paul LaRue	Charlotte McGuire
Brendan Shea	

NO VOTES

Christina Collins	Tim Miller
Michelle Newman	

ABSTAIN

Meryl Johnson	Martha Manchester
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Motion carried.

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

**15. RESOLUTION TO REVOKE THE FOUR-YEAR RESIDENT EDUCATOR ADOLESCENCE TO YOUNG ADULT TEACHING LICENSE OF BRITTNEY M. CLEELAND**

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

WHEREAS Brittney M. Cleeland holds a four-year resident educator adolescence to young adult teaching license issued in 2016; and

WHEREAS on March 24, 2021, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Brittney M. Cleeland of its intent to determine whether to limit, suspend, revoke, or permanently revoke her four-year resident educator adolescence to young adult teaching license issued in 2016 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Cleeland's 2020 conviction in the Mahoning County Court #2 for one minor misdemeanor count of disorderly conduct after an initial charge of endangering children stemming from an incident where she left her minor child alone in an unlocked, running vehicle while she was shopping; and

WHEREAS the notice informed Ms. Cleeland that if she fails within thirty days to request a hearing in accordance with Section 119.07 of the Ohio Revised Code, the State Board of Education will proceed to determine whether to limit, suspend, revoke, or permanently revoke her four-year resident educator adolescence to young adult teaching license issued in 2016; and

WHEREAS Brittney M. Cleeland 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 #2, and certified police records from the Boardman Police Department; and

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

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Brittney M. Cleeland's four-year resident educator adolescence to young adult teaching license issued in 2016 based upon Ms. Cleeland's 2020 conviction in the Mahoning County Court #2 for one minor misdemeanor count of disorderly conduct after an initial charge of endangering children stemming from an incident where she left her minor child alone in an unlocked, running vehicle while she was shopping. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that Brittney M. Cleeland be ineligible to apply for any license, permit, or certificate issued by the State Board of Education until on or after June 15, 2023 and that upon reapplication, she must provide written verification to the Ohio Department of Education that she has completed, at her own expense, eight hours of parenting training and eight hours of student safety training, with both trainings to be preapproved by the Ohio Department of Education; and, Be It Further

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

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

Vice President McGuire called for a roll call vote.

YES VOTES

Christina Collins  
Diana Fessler  
Kirsten Hill  
Jenny Kilgore  
Paul LaRue

Stephen Dackin  
John Hagan  
Meryl Johnson  
Mark Lamoncha  
Martha Manchester

Charlotte McGuire  
Michelle Newman

Tim Miller  
Brendan Shea

Motion carried.

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Aaron Ross, Director, Office of Professional Conduct, presented the following recommendation (Item 16):

**16. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER, TO STRIKE THE OBJECTIONS TO THE HEARING OFFICER'S REPORT AND RECOMMENDATION, AND TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL PUPIL SERVICES LICENSE OF HEATHER A. COLES**

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

WHEREAS Heather A. Coles holds a five-year professional pupil services license issued in 2018; and

WHEREAS on January 2, 2020, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Heather A. Coles of its intent to determine whether to limit, suspend, revoke, or permanently revoke her five-year professional pupil services license issued in 2018 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Coles engaging in incompetence, negligence, and conduct that is unbecoming to the teaching profession on or about July 2018 to September 2018, when she posted improper or inappropriate material on her public Facebook page; and

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

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

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

WHEREAS the hearing officer recommends that Ms. Coles' license be revoked and that she be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education. The hearing officer's recommendation is based upon Ms. Coles continued licensure having a negative impact on the health, safety, or welfare of the school community and/or statewide education community as a result of her posting highly improper or inappropriate material on her public Facebook page that was accessible to students and involved personal information about Ms. Coles' sexual activities, drinking, her legal issues, her potential psychiatric diagnoses, a picture of a gun, and shooting-related comments taken as a veiled threat against a specific person or persons; and

WHEREAS Ms. Coles timely filed objections to the hearing officer's report and recommendation; and

WHEREAS the Ohio Department of Education filed a motion to strike Ms. Coles' objections based on the objections introducing and relying almost entirely upon evidence that was not submitted during the administrative hearing; and

WHEREAS the hearing officer recommended that the Ohio Department of Education's motion to strike Ms. Coles' objections be granted based upon Ms. Coles' objections introducing and relying upon evidence not admitted into the administrative record; and

WHEREAS the State Board of Education considered the hearing officer's recommendation to strike Ms. Coles' objections in accordance with the hearing officer's recommendation in her March 26, 2021 entry; 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 accepts the hearing officer's recommendation to strike Ms. Coles' objections; and Be It Further

RESOLVED, that the State Board of Education hereby **STRIKES** Ms. Coles' objections in accordance with the hearing officer's entry dated March 26, 2021; and Be It Further

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Heather A. Coles' five-year professional pupil services license issued in 2018 based upon Ms. Coles engaging in conduct that is unbecoming to the teaching profession on or about July 2018 to September 2018, when she posted improper or inappropriate material on her public Facebook page. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Heather A. Coles 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. Coles of this action.

It was Moved by Mrs. Fessler and Seconded by Dr. Kilgore that the above recommendation (Item 16) be approved.

Vice President McGuire called for a roll call vote.

YES VOTES

Christina Collins  
Diana Fessler  
Kirsten Hill  
Jenny Kilgore  
Paul LaRue

Stephen Dackin  
John Hagan  
Meryl Johnson  
Mark Lamoncha  
Martha Manchester

Charlotte McGuire  
Michelle Newman

Tim Miller  
Brendan Shea

Motion carried.

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Kelly Edwards, Assistant Director, Office of Professional Conduct, presented the following recommendation (Item 17):

**17. RESOLUTION TO REVOKE THE THREE-YEAR PUPIL ACTIVITY PERMIT OF HUGH E. HUTTON**

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

WHEREAS Hugh E. Hutton holds a three-year pupil activity permit issued in 2017; and

WHEREAS on February 18, 2021, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Hugh E. Hutton of its intent to determine whether to limit, suspend, revoke, or permanently revoke his three-year pupil activity permit issued in 2017 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Hutton's 2018 conviction in the Akron Municipal Court for one minor misdemeanor count of disorderly conduct; and

WHEREAS the notice informed Mr. Hutton 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 2017; and

WHEREAS Hugh E. Hutton 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 Akron Municipal Court, and certified police records from the Richfield Police Department; and

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

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Hugh E. Hutton's three-year pupil activity permit issued in 2017 based upon Mr. Hutton's 2018 conviction in the Akron Municipal Court for one minor misdemeanor count of disorderly conduct. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that Hugh E. Hutton be ineligible to apply for any license, permit, or certificate issued by the State Board of Education until on or after he provides written verification to the Ohio Department of Education that he has completed, at his own expense, a drug/alcohol assessment by a licensed counselor, who is approved in advance by the Ohio Department of Education, and he has successfully completed all counseling and/or treatment recommended by the licensed counselor, and he provides written verification to the Ohio Department of Education that he has completed, at his own expense, a fitness to teach evaluation by a licensed psychologist or psychiatrist, who is preapproved by the Ohio Department of Education and who determines that Mr. Hutton 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 he has completed any recommendations made by the licensed psychologist or psychiatrist; and, Be It Further

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

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

Vice President McGuire called for a roll call vote.

YES VOTES

Christina Collins  
Diana Fessler  
Kirsten Hill  
Jenny Kilgore  
Paul LaRue  
Charlotte McGuire  
Michelle Newman  
Brendan Shea

Stephen Dackin  
John Hagan  
Meryl Johnson  
Mark Lamoncha  
Martha Manchester  
Tim Miller  
Eric Poklar

Motion carried.

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

18. **RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE THE THREE-YEAR PUPIL ACTIVITY PERMIT OF VANESSA M. KLEEGER**

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

WHEREAS Vanessa M. Kleeberger holds a three-year pupil activity permit issued in 2017; and

WHEREAS on March 17, 2020, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Vanessa M. Kleeberger of its intent to determine whether to limit, suspend, revoke, or permanently revoke her three-year pupil activity permit issued in 2017 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Kleeberger engaging in conduct unbecoming to the teaching profession on or about 2017-2018, when she failed to account for funds in accordance with district policy that were collected in association with her position as head cheerleading coach for the Evergreen Local School District; and

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

WHEREAS a hearing was held on December 15, 2020; and

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

WHEREAS the hearing officer recommends that Ms. Kleeberger's permit be revoked and that she not be permitted to reapply for any license, permit, or certificate for a period of five years, provided that she completes eight hours of ethics training and that she not be permitted to oversee or handle any school-related monies or funds under any future licenses, permits, or certificates. The hearing officer's recommendation is based upon Ms. Kleeberger engaging in conduct unbecoming to the teaching profession and that reflects negatively upon the teaching profession when she clearly failed to account for funds raised by school cheerleaders in multiple fundraisers and further failed to follow school district policy in the scheduling, accounting, and depositing of events/funds she engaged in as the head cheerleading coach; 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** Vanessa M. Kleeberger's three-year pupil activity permit issued in 2017 based upon Ms. Kleeberger engaging in conduct unbecoming to the teaching profession on or about 2017-2018, when she failed to account for funds in accordance with district policy that were collected in association with her position as head cheerleading coach for the Evergreen Local School District. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that Vanessa M. Kleeberger be ineligible to reapply for any license, permit, or certificate issued by the State Board of Education until on or after June 15, 2026, and upon reapplication, she must submit written verification to the Ohio Department of Education that she has completed, at her own expense, eight hours of training in ethics, with the

training to be approved in advance by the Ohio Department of Education, and that any future license, permit, or certificate issued by the State Board of Education contain a limitation preventing Ms. Kleeberger from overseeing or handling any school-related monies or funds; and, Be It Further

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

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

Vice President McGuire called for a roll call vote.

YES VOTES

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

Motion carried.

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

**19. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE THE ONE-YEAR EDUCATIONAL AIDE PERMIT OF CRYSTAL L. WERNER**

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

WHEREAS Crystal L. Werner held a one-year educational aide permit issued in 2017; and

WHEREAS on January 9, 2020, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Crystal L. Werner of its intent to determine whether to limit, suspend, revoke, or permanently revoke her one-year educational aide permit issued in 2017 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Werner engaging in conduct that is unbecoming to the teaching profession on or about October 13, 2017, when she struck a student on the head; and

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

WHEREAS a hearing was held on February 10, 2021; and

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

WHEREAS the hearing officer recommends that Ms. Werner's permit be revoked and that she not be permitted to reapply for any license, permit, or certificate for a period of two years, provided that she completes eight hours of training in anger management and eight hours of training in classroom management. Ms. Werner's physical response to her student being a substantial concern; her failure to take responsibility for her actions; and that additional support and training would help Ms. Werner better understand the parameters of her actions during those situations when she is tested by non-compliant students; and

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Crystal L. Werner's one-year educational aide permit issued in 2017 based upon Ms. Werner engaging in conduct that is unbecoming to the teaching profession on or about October 13, 2017, when she struck a student on the head. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that Crystal L. Werner be ineligible to reapply for any license, permit, or certificate issued by the State Board of Education until on or after June 15, 2023, and upon reapplication, she must submit written verification to the Ohio Department of Education that she has completed, at her own expense, eight hours of training in anger management and eight hours of training in classroom management, with all training to be approved in advance by the Ohio Department of Education; and, Be It Further

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

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

Vice President McGuire called for a roll call vote.

YES VOTES

Christina Collins  
Diana Fessler  
Kirsten Hill  
Jenny Kilgore  
Paul LaRue  
Tim Miller  
Eric Poklar

Stephen Dackin  
John Hagan  
Meryl Johnson  
Mark Lamoncha  
Martha Manchester  
Michelle Newman  
Brendan Shea

ABSTAIN

Charlotte McGuire

Motion carried.

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Vice President McGuire presented the following recommendation (Item 20):

**20. RESOLUTION TO ADOPT THE RECOMMENDATION OF THE HEARING OFFICER AND TO DISAPPROVE STREETSBORO CITY LOCAL SCHOOL DISTRICT'S DETERMINATION OF IMPRACTICAL TRANSPORTATION AND PAYMENT IN LIEU OF TRANSPORTATION OF CERTAIN STUDENTS ATTENDING BIO-MED SCIENCE ACADEMY STEM SCHOOL ROOTSTOWN CAMPUS, PORTAGE COUNTY.**

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

Pursuant to Ohio Revised Code Sections 3327.01 and 3327.02, Streetsboro City Local School District ("Streetsboro SD") determined it is impractical to transport students from Streetsboro SD to Bio-Med Science Academy STEM School Rootstown Campus (Bio-Med Rootstown), Portage County;

A hearing was held on March 29, 2021, before a duly appointed hearing officer;

In the Report and Recommendation of the Hearing Officer, filed on or about April 29, 2021, hearing officer Lisa M. Finnegan recommended the Board disapprove Streetsboro SD's determination of impractical transportation and payment in lieu of transporting certain resident students attending Bio-Med Rootstown; and

Based on the evidence presented and factors set forth in ORC 3327.02, the hearing officer found Streetsboro SD's failed to consider all the six statutory factors in deciding whether to offer payment in lieu. Specifically, the hearing officer found: Streetsboro failed to consider cost of providing transportation in terms of equipment, maintenance, personnel, and administration (factor 3) and failed to demonstrate how, and to what extent, the requested transportation would disrupt the District's current transportation schedule (factor 5).

NOW, THEREFORE, BE IT RESOLVED, the Board hereby adopts the recommendation of the hearing officer and disapproves Streetsboro SD's determination, made in June 2020 by the Streetsboro SD Board of Education, of impractical transportation and payment in lieu of transporting certain students attending Bio-Med Rootstown for all the reasons set forth in the hearing officer's report and recommendation; and

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

It was Moved by Dr. Kilgore and Seconded by Mr. Shea that the above recommendation (Item 20) be approved.

Dr. Collins moved to postpone Item 20 to the July Board meeting. Ms. Johnson seconded the motion.

Dr. Collins stated she believed more time was needed to consider the statements from the Hearing Officer as well as the objections from the District.

Mrs. Fessler asked if the issue could be resolved at the present time. Vice President McGuire responded more information had been requested.

Ms. Johnson stated Dr. Collins had been very clear in her explanation to move to postpone Item 20 to the July Board meeting, and Vice President McGuire had introduced information not presented by Dr. Collins.

Dr. Collins added that part of the reason to postpone this item would be the possibility that she would be bringing forth a different resolution that is presented and additional time was needed to draft the resolution.

Mr. Dackin asked if there were any consequences to a delay in this item. Ms. Singh responded she did not believe there would be any issues if the item were delayed another month.

Mr. Shea stated for this family, based on what is decided here, the family may have to make other arrangements, which to them, may make all the difference in the world, and would benefit knowing the decision sooner than later. Ms. Singh stated the local district had passed a resolution in 2020, but was obligated by statute to continue transportation until a determination was final.

Mrs. Fessler asked if the Board could be provided with any information as to the resolution that might be offered by Dr. Collins. Dr. Collins responded the Hearing Officer stated she would be willing to re-examine her determination and another resolution could be prepared. She believed the objections from the District were compelling.

Vice President McGuire called for a roll call vote to postpone Item 20 to the July meeting of the Board.

YES VOTES

Christina Collins  
Diana Fessler  
Jenny Kilgore  
Paul LaRue  
Charlotte McGuire  
Michelle Newman

Stephen Dackin  
Meryl Johnson  
Mark Lamoncha  
Martha Manchester  
Tim Miller  
Eric Poklar

NO VOTES

John Hagan  
Brendan Shea

Kirsten Hill

Motion carried.

Mrs. Manchester presented the following recommendation (Item 21):

**21. RESOLUTION TO ADOPT THE REVISED EDUCATOR LICENSURE EXAM FOR AUDIOLOGY (PRAXIS 5343) AND QUALIFYING SCORE**

The State Board of Education (“Board”) hereby **ADOPTS** the revised Educator Licensure Exam for Audiology (Praxis 5343) and qualifying score as follows:

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

ORC 3319.22 allows the Board to issue any educator licenses of categories, types, and levels the Board elects to provide;

OAC 3301-24-05 requires that in order to obtain a professional pupil services license in the licensure area of school audiologist, an individual must successfully complete an examination prescribed by the Board;

The examination that is currently prescribed for this purpose is Praxis Audiology (5342), and this test will phase out in August 2021;

The revised test, Praxis Audiology (5343), is a requirement of the Ohio Speech and Hearing Professionals Board of an individual to obtain an audiologist license;

The Board has historically aligned the examination for obtaining a professional pupil services license in the licensure area of audiology with the examination used by the Ohio Speech and Hearing Professionals Board for licensure purposes;

Educational Testing Service (ETS) provides a recommended passing score from a multistate standard-setting study to support the decision-making process of the American Speech-Language Hearing Association (ASHA), a national board of which the Ohio Speech and Hearing Professional Board is a member organization;

The recommended passing score for Praxis Audiology (5343) is raw score of 75 out of a possible 110 raw score points, with a scaled passing score of 162 on a 100-200 scale, and this is the passing score to become licensed as an audiologist through the Ohio Speech and Hearing Professionals Board;

The Educator Standards Board recommended adoption of Praxis Audiology (5343) to replace Praxis Audiology (5342) as the examination required for a professional pupil services license in the licensure area of school audiologist with a passing raw score of 75 out of 110 and a scaled passing score of 162 on a 100-200 scale with an effective date of July 1, 2021;

The Teaching, Leading, and Learning Committee recommended adoption of Praxis Audiology (5343) to replace Praxis Audiology (5342) as the examination required for a professional pupil services license in the licensure area of school audiologist with a passing raw score of 75 out of 110 and a scaled passing score of 162 on a 100-200 scale with an effective date of July 1, 2021 at its May 2021 meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Board adopts Praxis Audiology (5343) to replace Praxis Audiology (5342) as the examination required for a professional pupil services license in the licensure area of school audiologist with a passing raw score of 75 out of 110 and a scaled passing score of 162 on a 100-200 scale with an effective date of July 1, 2021.

Mrs. Fessler stated she forwarded the material to two teachers who were both math majors and they were unable to figure out what was contained in the material, so she would be voting no on this item for that reason.

It was Moved by Mrs. Manchester that the above recommendation (Item 21) be approved.

Vice President McGuire called for a roll call vote.

YES VOTES

Christina Collins	Stephen Dackin
John Hagan	Kirsten Hill
Meryl Johnson	Jenny Kilgore
Mark Lamoncha	Paul LaRue
Martha Manchester	Charlotte McGuire
Tim Miller	Michelle Newman
Eric Poklar	Brendan Shea

NO VOTES

Diana Fessler

Motion carried.

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Vice President McGuire announced she would need to appoint an individual to facilitate Item 22 as she would be offering an amendment to the resolution. She appointed Mrs. Manchester to facilitate Item 22.

Mr. Dackin presented the following recommendation (Item 22):

**22. RESOLUTION TO RECOMMEND APPROVAL OF A RECOMMENDATION TO THE GENERAL ASSEMBLY REGARDING SCHOOL FUNDING**

The State Board of Education (“Board”) hereby **APPROVES** a recommendation to the General Assembly for a legislative change as follows:

WHEREAS, the State Board of Education believes that public schools are fundamental to democracy; and

WHEREAS, equity in education means that each child has access to relevant and challenging academic experiences and educational resources necessary for success

across race, gender, ethnicity, language, disability, family background and/or income; and

WHEREAS, equity is the greatest imperative of *Each Child, Our Future*, Ohio's strategic plan for education; and

WHEREAS, sufficient resources for a high-quality education are foundational to the success of all students; and

WHEREAS, communities in Ohio do not have equal capacity to fund their public schools; and

WHEREAS, the Ohio Constitution makes the legislature responsible for providing, to all students, resources adequate for a high-quality education regardless of where they live;

WHEREAS, the Ad Hoc Legislative Committee recommended the Board approve the instant recommendation at its Committee meeting on May 7, 2021.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby approves recommending to the General Assembly the following principles to guide conversation and deliberations about the future of school funding in Ohio:

- Funding levels should be commensurate with the number of students served.
- A smooth transition to the new funding formula should be ensured to avoid steep and severe funding reductions.
- With all other key factors of a formula held constant, a reasonable rate of growth from year to year should be built into the formula once a new funding formula is fully implemented.
- Additional funding should support improved educational experiences and success outcomes for students.
- Students should be counted where they are educated, as opposed to where they reside, for funding purposes. This includes directly funding state scholarship programs, STEM schools and community schools.
- Funding should consider the needs of the *whole* child.
- Funding should consider the unique needs of each child.
- Various school models should be funded using similar parameters, while still recognizing differences between different models.
- Any assumed local contribution should be a realistic representation of the locality's capacity to raise revenue, including consideration of both income and property wealth.

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

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

It was Moved by Mr. Dackin that the above recommendation (Item 22) be approved.

Mrs. Manchester recognized Ms. Johnson. Ms. Johnson moved to postpone indefinitely Item 22 and move the previous question. Mrs. Newman seconded the motion. Mrs. Manchester stated there is no discussion on the previous question and a two-thirds majority vote is needed to pass the motion.

Mrs. Manchester called for a roll call vote to move the previous question.

YES VOTES

Christina Collins	Stephen Dackin
Meryl Johnson	Mark Lamoncha
Paul LaRue	Martha Manchester
Charlotte McGuire	Tim Miller
Michelle Newman	Eric Poklar
Brendan Shea	

NO VOTES

Diana Fessler	John Hagan
Kirsten Hill	Jenny Kilgore

Motion carried.

Mrs. Manchester called for a roll call vote on the proposed motion to postpone Item 22 indefinitely.

YES VOTES

Christina Collins	Stephen Dackin
Kirsten Hill	Meryl Johnson
Mark Lamoncha	Paul LaRue
Martha Manchester	Charlotte McGuire
Tim Miller	Michelle Newman
Eric Poklar	Brendan Shea

NO VOTES

Diana Fessler	John Hagan
Jenny Kilgore	

Motion carried.

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Vice President McGuire presented the following recommendation (Item 23):

**23. RESOLUTION AUTHORIZING SETTLEMENT WITH DAYTON, CLEVELAND, AND TOLEDO PUBLIC SCHOOLS**

WHEREAS, the State Board of Education and Department of Education (collectively, "State") is responsible for the calculation and payment of school foundation funding for the public school districts of Ohio, including Dayton,

Cleveland, and Toledo (“Districts”) pursuant to the provisions of Chapter 3317 of the Ohio Revised Code;

WHEREAS, the Districts are public school districts as defined in R.C. 3311 and eligible to receive school foundation funding from the State;

WHEREAS, in the calculation of the Districts’ school foundation payments for fiscal year 2005 (“FY 05”), the State utilized formula average daily membership (“Formula ADM”) for the Districts that was less than the number that the Districts reported pursuant to R.C. 3317.03 (in effect at the pertinent time), resulting in a reduction in the Districts’ Formula ADM for FY 05 and a reduction in school foundation payments to the Districts for that year;

WHEREAS, the Districts disagreed with the methodology the State utilized in determining the Districts’ Formula ADM;

WHEREAS, the State has asserted that the calculations of the Districts’ Formula ADM were based upon the proper methodology;

WHEREAS, the Districts filed a lawsuit against the State asserting claims to recover the amount of school foundation funding that the Districts’ believed they were underpaid for FY 05, FY 06, and FY 07;

WHEREAS, the State disputes the Districts’ claims in the lawsuit;

WHEREAS, on September 10, 2020, the trial court (“Court”) issued a Decision and Entry in the Lawsuit on the Parties’ cross-motions for summary judgment; the Court nevertheless issued a writ of mandamus on other grounds and ordered the State to pay equitable restitution to the Districts;

WHEREAS, the State filed a Notice of Appeal from the Decision and Entry; and the Districts filed a Notice of Cross Appeal from the Decision and Entry and other entries in the case to the Ohio Court of Appeals for the Tenth District; and

WHEREAS, in an effort to avoid the expense, inconvenience and uncertainty of litigation, the State has agreed to compromise and settle all disputed issues and claims arising from the utilization of the disputed Formula ADM in FY 2005 and the subsequent reductions in school foundation payments to the Districts;

NOW, THEREFORE BE IT RESOLVED, that the State hereby authorizes the settlement of this dispute with the Districts, and delegates to the State Superintendent and the State Board of Education President the authority to execute the final settlement agreement on behalf of the State.

It was Moved by Mrs. Hill and Seconded by Dr. Kilgore that the above recommendation (Item 23) be approved.

Vice President McGuire called for a roll call vote.

YES VOTES

Christina Collins

Stephen Dackin

Diana Fessler  
Kirsten Hill  
Jenny Kilgore  
Paul LaRue  
Charlotte McGuire  
Michelle Newman  
Brendan Shea

John Hagan  
Meryl Johnson  
Mark Lamoncha  
Martha Manchester  
Tim Miller  
Eric Poklar

Motion carried.

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

Mr. Shea stated he wanted to bring up a subject he had intended to revisit in the Emerging Issues Committee meeting yesterday, but simply ran out of time. Specifically, the ARP Grant Application, he had asked a series of questions, but did not receive a lot of detail regarding the specifics. A follow up was provided by Alex Goodman. He stated he wanted to draw attention to a concern regarding appendix C, "By signing this document, the SEA assures the following; the SEA will comply with all ARP act and other ARP ESSA requirements and all requirements of its grant award notification, including but not limited to complying with the maintenance of equity provisions in section 2004B of the ARP act, and ensuring its LEA's comply with the maintenance of equity provision in section 2004C of the ARP act. In parenthesis it states (Please note, the Department will provide additional guidance on maintenance of equity shortly). He stated his concern was the statement the Department would provide this guidance at a later date. He stated Attorney General Dave Yost had signed a letter with 18 other Attorneys General raising concerns with the current administration tying grant money for American History and Civics education to accepting what is being put forth as model curriculum, including the 1619 project. He is questioning whether this will be a future requirement to accept the grant funds. He noted that Superintendent DeMaria had assured him that any material changes would require an additional document or agreement between the federal Department of education and the state. He stated his definition of material would include curriculum type requirements. He wanted the Board and the public to be aware of this and asked the Board be notified when the grant is received and would hope there would be pushback against the federal government in that regard. Superintendent DeMaria responded he believed a draft of the maintenance of equity guidance had come through late last week and did not believe there were any implications regarding curriculum. He stated he would connect with Dr. Woolard and follow up on this point and circulate with the entire Board.

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**New Business**

Mr. Hagan announced he would be bringing forth a resolution at the next Board meeting and requested that it be on the July agenda for consideration.

RESOLUTION TO REQUEST A FORMAL OPINION OF THE ATTORNEY GENERAL OF OHIO  
IN REFERENCE TO THE STATE BOARD OF EDUCATIONS RESOLUTION TO CONDEMN  
RACISM AND TO ADVANCE EQUITY& OPPORTUNITY.

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Mrs. Hill stated she appreciated committee meetings being available on the Ohio Channel. She asked if Diane Nelson and Empowering Youth, Exploring Justice (EYEJ) had requested to speak before the Board. Mrs. Hill summarized to the chair that Mr. Goodman had said Ms. Nelson could submit written testimony. Mrs. Hill asked if the organizations that had provided testimony to today to the full Board, would they have been able to provide testimony to a committee. Vice President McGuire responded that would have been considered. Mrs. Hill asked what the procedure for individuals would be to provide testimony to a committee. Vice President McGuire responded in her case as a committee chair, the notification of request had come from the Superintendent. Ms. Singh responded she believed it would be at the discretion of the committee chair for testimony at the meeting of a committee. Mrs. Hill asked if it was an option for the public to testify by calling in to the Board meeting. Vice President McGuire responded that was an option for virtual meetings but would be considered on an as-needed basis for in-person meetings of the Board. Mrs. Fessler stated historically it had been the practice of the Board to welcome outside input at committee meetings. Mr. Hagan stated that as a committee chair for two years, the committee never sought the approval of the Superintendent and had many guest speakers and presenters, and felt it was a wise decision to have subject matter experts speak to the committee. Vice President McGuire stated she wanted to make everyone aware there was no effort to silence anyone that may benefit students. Mr. Miller asked if there would be a change to the hard stop in committees when the meeting was ended and there were still questions and discussions that had not been completed. Vice President McGuire responded they would be willing to look at the committee meeting process. Ms. Singh clarified that public participation at committee meetings had generally not taken place but presentations by outside entities had occurred.

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Vice President McGuire stated she regretted the resolution that was presented by the Legislative Ad-hoc Committee was delayed indefinitely because the budget process was in joint review and the guiding principals that were included would have applied to any budget process and would it have been an opportunity to present those. Her proposed amendment would have been not to focus on the schools but the life-long learner and to add the other priorities from the Strategic Plan. Mr. Dackin agreed with Mrs. McGuire that the guiding principals could apply to any subsequent biennium budget and perhaps this could be revisited at a more appropriate time.

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Superintendent DeMaria stated that two things would happen based on the Chapter 119 Hearing; He had directed legal counsel to withhold filing of the rules with JCARR and a discussion item would be scheduled for July regarding the proposed amendments to OAC 3301-24-11 Alternative Principal License and OAC 3301-24-12 Alternative Superintendent License and Alternative Administrative Specialist License. Mr. Dackin asked if there was an opportunity for Board participation and to provide feedback. Superintendent DeMaria responded he wanted to take the testimony provided and have a response prepared for each point that was made, which would be shared with Board members and be used to begin a discussion with the committee.

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Mrs. Hill Moved to adjourn the meeting. Mr. Dackin Seconded the motion.

The Vice President requested a voice vote.

Motion carried.

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

Vice President McGuire adjourned the meeting at 3:45 p.m. The next regularly scheduled meeting of the State Board of Education is July 12-13, 2021.

ATTEST:



Laura Kohler  
President  
State Board of Education



Paolo DeMaria  
Superintendent of Public Instruction

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