

**STATE BOARD OF EDUCATION OF OHIO
MINUTES**

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

MEMBERS OF THE STATE BOARD OF EDUCATION

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

EX OFFICIO MEMBERS

Senator Andrew Brenner	Representative Gayle Manning
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SECRETARY

Dr. Stephanie K. Siddens
Interim Superintendent of Public Instruction

The State Board convened on Monday, November 15, at the Ohio Department of Education in Columbus.

STATE BOARD BUSINESS MEETING

Vice President McGuire convened the Business meeting of the State Board of Education on Monday, November 15, at 8:08 a.m.

OATH OF OFFICE

Supreme Court Justice, Sharon Kennedy, The Supreme Court of Ohio, administered the Oath of Office to the following members of the State Board of Education:

Appointed Board Members:
Brandon Kern

It was noted that newly appointed Board member Richard Chernesky was not in attendance.

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

YES VOTES

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

Motion carried.

ELECTION OF OFFICERS

State Board members had been provided information on the election of new State Board officers.

Immy Singh, Chief Legal Counsel reviewed the election process.

Vice President McGuire thanked former Board President Laura Kohler for her service on the Board and the value and experience she brought to the Board. She stated the Board would celebrate her and Eric Poklar for their service.

Nomination and Election of President

Vice President McGuire opened the floor for nominations for president.

Martha Manchester nominated Vice President McGuire for president.

Meryl Johnson nominated Dr. Antoinette Miranda for president.

Mr. Hagan Moved to close nominations for president. Mr. Davis Seconded the motion. Vice President McGuire asked if there were any objections to closing nominations. There were no objections.

Vice President McGuire stated as she was nominated and would be willing to serve, she would appoint Ms. Johnson as temporary chair. Ms. Johnson declined. Vice President McGuire then appointed the next longest serving Board member, Martha Manchester as temporary chair. Mrs. Manchester came forward and assumed the temporary chair.

Mrs. Manchester spoke on behalf of her nomination of Charlotte McGuire.

Ms. Johnson spoke on behalf of her nomination of Dr. Antoinette Miranda.

Dr. Miranda spoke to her nomination and thanked Ms. Johnson for her nomination.

Vice President McGuire spoke to her nomination and thanked Mrs. Manchester for her nomination.

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

CHARLOTTE MCGUIRE

Stephen Dackin	Walter Davis
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Minutes of the November 2021 Meeting of the State Board of Education of Ohio

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

John Hagan
Brandon Kern
Mark Lamoncha
Martha Manchester
Tim Miller
Mike Toal

ANTOINETTE MIRANDA

Meryl Johnson
Michelle Newman

Antoinette Miranda

ABSTAIN

Christina Collins

Mrs. Manchester announced that Charlotte McGuire had been elected as President of the State Board of Education for 2021-2022.

Charlotte McGuire, newly elected President, assumed the chair of the meeting.

Nomination and Election of Vice President

The President opened the floor for nominations for vice president.

Mr. Davis nominated Dr. Jenny Kilgore for vice president.

Mr. LaRue nominated Steve Dackin for vice president.

Mr. Hagan Moved to close nominations for vice president. Ms. Johnson Seconded the motion. President McGuire asked if there were any objections to closing nominations. There were no objections.

Mr. Davis spoke on behalf of his nomination of Dr. Kilgore.

Mr. LaRue spoke on behalf of his nomination of Mr. Dackin.

Dr. Kilgore spoke to her nomination and thanked Mr. Davis for his nomination.

Mr. Dackin spoke to his nomination and thanked Mr. LaRue for his nomination.

Dr. Miranda spoke on behalf of Mr. Dackin.

Ms. Johnson spoke on behalf of Mr. Dackin.

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

KILGORE

Walter Davis
John Hagan
Jenny Kilgore
Brendan Shea

Diana Fessler
Kirsten Hill
Mark Lamoncha

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

DACKIN

Christina Collins
Meryl Johnson
Paul LaRue
Charlotte McGuire
Antoinette Miranda
Mike Toal

Stephen Dackin
Brandon Kern
Martha Manchester
Tim Miller
Michelle Newman

President McGuire announced that Steve Dackin was elected Vice President for 2021-2022. Mr. Dackin assumed the Vice President's Chair.

The Board took a brief recess.

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

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

There were no corrections.

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

Motion carried.

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

Topics of discussion were:

- Discuss: OAC 3301-24-25 Senior Professional Educator License Renewal & OAC 3301-24-26 Lead Professional Educator License Renewal (Possible Vote)
- Discuss: OAC 3301-27-01 Qualifications to Direct, Supervise, or Coach a Pupil-Activity Program (Possible Vote)

The Board's Performance & Impact Committee met beginning at 9:00 a.m.

Topics of discussion were:

- Discuss: Dropout Prevention and Recovery Rules (Possible Vote)
- Discuss: Report Card Reform (HB82)

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

Topics of discussion were:

- Discuss: OAC 3301-102 (5 rules) Community Schools Sponsors
- Discuss: OAC 3301-83-25 Transportation Collaboration Grant
- Discuss: Supports for Schools and Districts: Attendance

The Board's Integrated Student Supports Committee met beginning at 10:30 a.m.

Topics of discussion were:

- Discuss: OAC 3301-30-01 Ohio Department of Youth Services and Ohio Department of Rehabilitation and Corrections (Possible Vote)
- Discuss: OAC 3301-53, -55 Special Education Program Rules
 - 3301-53-01 Minimum Standards for Chartering County Board of Developmental Disabilities Special Education Schools
 - 3301-53-03 Excess Cost Charges for County Boards of Developmental Disabilities
 - 3301-55-01 Minimum Standards for Chartering Special Education Programs in Developmental Centers/Hospitals of Departments of Developmental Disabilities and Mental Health and Addiction Services

The State Board recessed for lunch.

REPORT OF THE INTERIM SUPERINTENDENT OF PUBLIC INSTRUCTION

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

- Status Update on Academic Distress Commission & Academic Improvement Plan
- State Report Card Summary

ACADEMIC DISTRESS COMMISSION UPDATE

Academic Improvement Plan:

- Recent changes in state law require impacted districts to submit an academic improvement plan.
- Three-year plans with annual and overall academic improvement benchmarks and related strategies.
- Three districts submitted plans for review by the 9/30 deadline.
- Revision requests were sent to all three districts on 10/27.
- Revised improvement plans are currently under 30-day review.

State superintendent review and revision requests:

- High expectations
- Pre-pandemic baseline

- Focus on academic outcomes
- Alignment to other plans
- Follow-up information
 - What is role of ADC after approval of academic improvement plan?

2021 REPORT CARD UPDATE

2020-2021 Report Cards Released Thursday, October 14th

- No grades or ratings.
- Includes performance data on state tests, literacy data, student growth information, graduation and prepared for success elements.
- Statewide results mirror Data Insights findings on performance, attendance and testing participation.
- Department is committed to data collection during this time for use in recovery and improvement planning at the state and local level.

House Bill 67 – 134th General Assembly:

- There were no grades assigned or rankings issued for the Ohio School Report Cards for the 2020-2021 school year.
- All available data was reported for recovery and improvement planning including data on academic achievement and growth, early literacy improvement, graduation rates, and college and career readiness metrics. Data on enrollment, attendance and demographics was also reported.

Statewide Performance Index:

The Performance Index captures all levels of student performance on state assessments. This is an important measure to look at statewide achievement.

Chronic Absenteeism Rates (School Level):

- 16.7% of students in Ohio were chronically absent in 2018-2019
- 24% of students in Ohio were chronically absent in 2020-2021

Appalachian Region of Ohio:

- 32 counties
- 168 total districts
- 155 districts are Rural or Small Town
- Includes 24 of Ohio's 30 most impoverished counties

Appalachian Student Demographics:

Appalachian and Non-Appalachian Rural and Town areas are demographically similar, with the exception of economic disadvantage.

Appalachian Academics:

On average, Appalachian Rural and Town districts lag behind other Rural and Town districts elsewhere in Ohio on most academic measures.

Academics and Economics:

Appalachia's higher proportion of low-income districts appears to be a major driver of academic differences with other Rural/Town parts of the state.

COMMUNITY SCHOOL SPONSOR EVALUATION UPDATE

- 2020-2021 results released November 15

- This year's results based on only two components (Quality Practice and Compliance) as state law temporary waived the Academic Component.
- These ratings will not count toward penalties or incentives.
- Collaborative discussion on Sponsor Evaluation is ongoing.

LEGISLATIVE UPDATE

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

Pending Legislation

House Bill 298: (Reps. Bird and Miller)

Change voting membership-State Board of Education

- Third hearing in House Committee on 10/28
 - opponent testimony.
- Amendment adopted to expand board to 15 elected members with districts aligned to Ohio's congressional districts.
- No testimony presented or submitted.

House Bill 322: (Rep. Jones)

Regarding race, sex education in schools

- No further hearings or changes to HB 322 since 9/22.

House Bill 327: (Reps. Grendell and Fowler Arthur)

Stop teaching of divisive concepts

- Substitute bill for HB 327 adopted on 10/27
 - Further defines "promotion" of divisive concepts.
 - Tiered approach to restoration of funding if there is a violation that is corrected.
 - Changes references from "impartial" to "nonpartisan".
 - Makes additional changes with respect to higher education.

Senate Bill 181: (Sen. Gavarone)

Student religious expression in athletics

- Passed by the Senate 6/9 (33-0).
- Favorably reported by House Committee 10/27.
- Waiting for vote by the House.
- Noor Abukaram, a student at Sylvania Northview High School, was disqualified from a cross country meet for wearing a hijab. Her story made national news.

Senate Bill 229: (Sen. Blessing)

Blended learning model 2021-2022

- Favorably reported by Senate Committee on 10/19.
- Unanimously passed by Senate on 10/20 (30-0).
- 3 hearings in House Committee before favorably reported on 11/10.
- Includes an emergency clause so provisions will be immediately effective if enacted.

Review of Written Reports and Items for Vote

President McGuire recessed the Board meeting at 2:40 p.m.

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

Topics of discussion were:

- Discuss: Grants Management and Oversight
- Discuss: Compensation for the Superintendent, Deputy Superintendent and Superintendent of the State Schools for the Deaf and Blind

RECONVENE STATE BOARD BUSINESS MEETING

President McGuire reconvened the Business meeting of the State Board of Education on Tuesday, November 16, at 9:00 a.m.

President McGuire asked the Recording Secretary to call the roll.

YES VOTES

Christina Collins
Walter Davis
Meryl Johnson
Jenny Kilgore
Paul LaRue
Charlotte McGuire
Antoinette Miranda
Brendan Shea

Stephen Dackin
John Hagan
Brandon Kern
Mark Lamoncha
Martha Manchester
Tim Miller
Michelle Newman
Mike Toal

Motion carried.

Chapter 119 Hearing

November 16, 2021

9:07 a.m.

Hearing Regarding the Amending, Rescinding and Adoption of Rules

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

- The amendment of OAC 3301-16-05 Additional assessment options for students required to pass the Ohio graduation tests and OAC 3301-16-07, End of course examination in science.
- The rescission and adoption of new OAC 3301-42-01, Criteria for enrolling eligible adults in public secondary education programs.
- The amendment of OAC 3301-69-03, Medicaid school component administrative costs.

President McGuire called on Holly Welch, from the Office of the Attorney General, Assistant Section Chief, Education section. Ms. Welch called on Immy Singh, Chief Legal Counsel for the Ohio Department of Education.

Ms. Singh presented the following Board Exhibits:

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

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

President 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.

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

PUBLIC TESTIMONY ON THE PROPOSED RULE ACTIONS

There were no requests.

President McGuire called on Ms. Welch, who submitted into evidence State Board Exhibits 1 through 3.

President McGuire stated that the exhibits were so received. As there was no more testimony, she declared the public hearing closed at 9: 07 a.m.

PUBLIC PARTICIPATION ON VOTING AGENDA ITEMS

There was no Public Participation on Voting Agenda Items.

PUBLIC PARTICIPATION ON NON-VOTING AGENDA ITEMS

1) Mr. Ayisat Abilogun, Financial Leadership Club of America. Mr. Abilogun submitted written testimony regarding Financial Literacy.

2) Mr. Jamie Bond. Mr. Bond submitted written testimony regarding Financial Literacy.

3) Ms. Sharon Kim. Ms. Kim submitted written testimony regarding the rescission of the Equity Resolution, Item 20, from the July 2020 meeting of the Board.

EXECUTIVE SESSION AND QUASI-JUDICIAL DISCUSSION

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

Ms. Johnson Seconded the motion.

The President called for a roll call vote.

YES VOTES

Christina Collins
Walter Davis
Kirsten Hill
Brandon Kern
Mark Lamoncha
Martha Manchester
Tim Miller
Michelle Newman
Mike Toal

Stephen Dackin
John Hagan
Meryl Johnson
Jenny Kilgore
Paul LaRue
Charlotte McGuire
Antoinette Miranda
Brendan Shea

Motion carried.

The Board went into Executive Session and Quasi-Judicial discussion at 9:18 a.m.

The Board recessed from Executive Session and Quasi-Judicial discussion at 12:00 p.m.

The State Board recessed for lunch.

COMMITTEE REPORTS

Committee chairs provided reports from Committee meetings which met on Monday, September 20. A copy of the Committee report has been placed in the Committee folder on the website.

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

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

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

President McGuire presented the following recommendations (Items 1-4) on the Consent Agenda:

- 1. RESOLUTION TO ACCEPT THE PERMANENT VOLUNTARY SURRENDER AND DENIAL OF LICENSES FORM SIGNED BY WILLIAM M. JEWELL, JR. 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 William M. Jewell, Jr. has applied for and/or has been issued a license, permit, or certificate by the Ohio Department of Education; and

WHEREAS on September 8, 2021, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from William M. Jewell, Jr. 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. Jewell's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.31; and

WHEREAS the form specifies that William M. Jewell, Jr. is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

WHEREAS William M. Jewell, Jr. 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** William M. Jewell, Jr.'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. Jewell'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 William M. Jewell, 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 Interim State Superintendent of Public Instruction be, and she hereby is, directed to notify Mr. Jewell of this action.

2. **RESOLUTION TO ACCEPT THE PERMANENT VOLUNTARY SURRENDER AND DENIAL OF LICENSES FORM SIGNED BY CORY D. MARLING 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 Cory D. Marling has applied for and/or has been issued a license, permit, or certificate by the Ohio Department of Education; and

WHEREAS on October 7, 2021, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Cory D. Marling 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. Marling's plea of guilty to four misdemeanor counts of attempted child endangerment in the Muskingum County Court; and

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

WHEREAS Cory D. Marling 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** Cory D. Marling'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. Marling's plea of guilty to four misdemeanor counts of attempted child endangerment in the Muskingum County Court. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b) and (A)(3)(b), orders Cory D. Marling be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education; and, Be It Further

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

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

WHEREAS on September 20, 2021, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Luke T. Ryan 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. Ryan's 2019 criminal charge for one felony count of sexual battery under Ohio Revised Code 2907.03(A)(7); and

WHEREAS the form specifies that Luke T. Ryan is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

WHEREAS Luke T. Ryan 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** Luke T. Ryan'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. Ryan's 2019 criminal charge for one felony count of sexual battery under Ohio Revised Code 2907.03(A)(7). Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b) and (A)(3)(b), orders Luke T. Ryan be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education; and, Be It Further

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

4. **RESOLUTION TO ACCEPT THE PERMANENT VOLUNTARY SURRENDER AND DENIAL OF LICENSES FORM SIGNED BY MICHAEL P. WELKER 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 Michael P. Welker has applied for and/or has been issued a license, permit, or certificate by the Ohio Department of Education; and

WHEREAS on October 12, 2021, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Michael P. Welker 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. Welker's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

WHEREAS the form specifies that Michael P. Welker is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

WHEREAS Michael P. Welker 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** Michael P. Welker'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. Welker'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 Michael P. Welker be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education; and, Be It Further

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

It was Moved by Ms. Johnson and Seconded by Mrs. Hill that the Consent Agenda (Items 1-4) be approved.

President McGuire called for a roll call vote.

YES VOTES

Christina Collins
Walter Davis
Kirsten Hill
Brandon Kern

Stephen Dackin
Diana Fessler
Meryl Johnson
Jenny Kilgore

Mark Lamoncha
Martha Manchester
Tim Miller
Michelle Newman
Mike Toal

Paul LaRue
Charlotte McGuire
Antoinette Miranda
Brendan Shea

Motion carried.

Dr. Kilgore presented the following recommendation (Item 5):

5. RESOLUTION TO ADOPT CHANGES TO OHIO ADMINISTRATIVE CODE 3301-91 / STANDARDS FOR SCHOOL LUNCH AND BREAKFAST PROGRAMS

The State Board of Education (“Board”) **ADOPTS** changes to Ohio Administrative Code (OAC) Ohio Administrative Code 3301-91 / Standards for School Lunch and Breakfast Programs 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 3313.813 requires the Board to establish standards for school lunch and breakfast programs established under the “National School Lunch Act,” 60 Stat. 230 (1946) 42 U.S.C., as amended, and the “Child Nutrition Act of 1966,” 80 Stat. 885, 42 U.S.C. 1771, as amended;

ORC 3313.813 states that the Board must require each district to establish a breakfast program in every school where at least one-fifth of the pupils in the school are eligible under federal requirements for free breakfasts and to establish a lunch program in every school where at least one-fifth of the pupils are eligible for free lunches;

ORC 3313.813 states that the Board shall require each district to establish a breakfast program in every school in which the parents of at least one-half of the children enrolled in the school have requested that the breakfast program be established;

ORC 3313.813 states that the Board shall require each district to establish one of the following for summer intervention services described in division (D) of ORC 3301.0711 or provided under ORC 3313.608, and any other summer intervention program required by law:

- An extension of the school breakfast program pursuant to the “National School Lunch Act” and the “Child Nutrition Act of 1966”;
- An extension of the school lunch program pursuant to those acts; or
- A summer food service program pursuant to those acts;

Changes are being made to these rules to provide greater clarity, correct misspellings, and to meet the requirements of ORC 3313.813;

The Integrated Student Supports Committee recommended adopting the rules in the form attached hereto at its October 2021 meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Board adopts changes to OAC 3301-91-01, 3301-91-04, 3301-91-09 in the form attached hereto; rescinds OAC 3301-91-07 in its current form and replaces it with the rule in the form attached hereto; rescinds OAC 3301-91-08; and adopts new rule OAC 3301-91-10 in the form attached hereto;

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

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

It was Moved by Dr. Kilgore that the above recommendation (Item 5) be approved.

President McGuire called for a roll call vote.

YES VOTES

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

Motion carried.

Dr. Miranda presented the following recommendation (Item 6):

6. RESOLUTION TO ADOPT CHANGES TO OHIO ADMINISTRATIVE CODE 3301-105-01 / FUNDING FOR EDUCATIONAL SERVICE CENTERS

The State Board of Education (“Board”) hereby **ADOPTS** changes to Ohio Administrative Code (OAC) 3301-105-01 as follows:

Am. Sub. H.B. 64 of the 131st General Assembly (HB 64) requires the Board to adopt rules governing the determination of high-performing educational service centers and the distribution of state funds to said centers;

HB 64 requires the rules adopted for this purpose to establish an application process whereby educational service centers may provide evidence of reductions in client school district expenditures, a deadline by which applications must be submitted to the Department of Education, the criteria the Department will use in determining the degree of efficiencies attained by coordinating and consolidating services and which centers qualify as high-performing for purposes of funding under this section; and a metric the Department will use in evaluating and monitoring the efficiencies attained by coordinating and consolidating services;

Changes to this rule remove obsolete language and clarify the date by which payments must be made;

The Emerging Issues and Operational Standards Committee recommended adopting the rule in the form attached hereto at its October 2021 meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Board adopts changes to OAC 3301-105-01 in the form attached hereto;

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

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

It was Moved by Dr. Miranda that the above recommendation (Item 6) be approved.

President McGuire called for a roll call vote.

YES VOTES

Christina Collins
Walter Davis
Kirsten Hill
Brandon Kern
Mark Lamoncha
Martha Manchester
Tim Miller
Michelle Newman
Mike Toal

Stephen Dackin
John Hagan
Meryl Johnson
Jenny Kilgore
Paul LaRue
Charlotte McGuire
Antoinette Miranda
Brendan Shea

ABSTAIN

Diana Fessler

Motion carried.

President McGuire presented the following recommendation (Item 7):

7. **RESOLUTION TO ADOPT THE RECOMMENDATION OF THE HEARING OFFICER AND TO DENY THE TRANSFER OF SCHOOL DISTRICT TERRITORY FROM THE BEACHWOOD CITY SCHOOL DISTRICT, CUYAHOGA COUNTY, TO THE ORANGE CITY SCHOOL DISTRICT, CUYAHOGA 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 Michael and Fani Kirschner (“Petitioners”) have petitioned for the transfer of school district territory from the Beachwood City School District, Cuyahoga County, to the Orange City School District, Cuyahoga County;

Petitioners requested a hearing, which was held on July 27, 2021, before a duly appointed hearing officer;

In her report, submitted October 12, 2021, the hearing officer, Linda Mosbacher, recommends that the Board deny the proposed transfer of territory from the Beachwood City School District, Cuyahoga County, to the Orange City School District, Cuyahoga County, pursuant to ORC 3311.24; and

In the report, hearing officer Mosbacher concludes that in balancing the competing issues and giving primary consideration to the present and ultimate good of all pupils concerned, Petitioners have not met their burden of proof to support the request to transfer their property from the Beachwood City School District to the Orange City 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 denies the request for the transfer of territory from the Beachwood City School District, Cuyahoga County, to the Orange City School District, Cuyahoga 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 she hereby is, directed to serve a true copy of this resolution on the Petitioners, the Beachwood City School District, Cuyahoga County, the Orange City School District, Cuyahoga County, and counsel of record, if applicable.

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

President McGuire called for a roll call vote.

YES VOTES

Christina Collins
Meryl Johnson
Jenny Kilgore
Paul LaRue
Tim Miller
Michelle Newman

Kirsten Hill
Brandon Kern
Mark Lamoncha
Martha Manchester
Antoinette Miranda
Mike Toal

NO VOTES

Stephen Dackin
Diana Fessler
Charlotte McGuire

Walter Davis
John Hagan
Brendan Shea

Motion carried.

Aaron Ross, Director, Office of Professional Conduct, presented the following recommendation (Item 8):

8. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE THE THREE-YEAR PUPIL ACTIVITY PERMIT OF JEREMY L. ALLEN

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

WHEREAS Jeremy L. Allen held a three-year pupil activity permit issued in 2019 with an effective year of 2018; and

WHEREAS on September 15, 2020, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Jeremy L. Allen of its intent to determine whether to limit, suspend, revoke, or permanently revoke his three-year pupil activity permit issued in 2019 with an effective year of 2018 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Allen engaging in conduct that is unbecoming to the teaching profession on or about the 2019-2020 school year, during and around the time of his employment as the junior high/middle school wrestling coach for the Crooksville Exempted Village School District, when he failed to maintain professional relationships with student athletes. Specifically, Mr. Allen inappropriately communicated with student-athletes via electronic communications, including but not limited to Snapchat communications, and these inappropriate electronic communications included, but are not limited to Mr. Allen communicating the following to student-athletes: "You fat asses need to lose some weight"; "[Student 1] dont worry about it, you look like shit no matter what you wear"; "That's a lot of pizza boxes fat boys"; and "Look you fat fuckers! Mcdonalds!!" Further, Mr. Allen failed to provide appropriate supervision of student-athletes, which risked the health, safety, and welfare of student-athletes when he allowed a fifth-grade student athlete to wrestle a junior high student athlete, in violation of Ohio High School Athletic Association regulations; and

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

WHEREAS a hearing was held on June 28, 2021; and

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

WHEREAS the hearing officer recommends that Mr. Allen's permit be revoked and that he not be permitted to reapply for a license, permit, or certificate issued by the State Board of Education for three years, provided that he completes eight hours of student-teacher boundary training, eight hours of sensitivity training, and a student safety course. The hearing officer's recommendation is based upon the nature and seriousness of Mr. Allen's misconduct which involved numerous disparaging remarks to students in an effort to bully them into weight loss and the disregard for both the rules and safety issues in allowing a fifth-grade student to wrestle with the junior high school team; 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** Jeremy L. Allen's three-year pupil activity permit issued in 2019 with an effective year of 2018 based upon Mr. Allen engaging in conduct that is unbecoming to the teaching profession on or about the 2019-2020 school year, during and around the time of his employment as the junior high/middle school wrestling coach for the Crooksville Exempted Village School District, when he failed to maintain professional relationships with student athletes. Specifically, Mr. Allen inappropriately communicated with student-athletes via electronic communications, including but not limited to Snapchat communications, and these inappropriate electronic communications included, but are not limited to Mr. Allen communicating the following to student-athletes: "You fat asses need to lose some weight"; "[Student 1] dont worry about it, you look like shit no matter what you wear"; "That's a lot of pizza boxes fat boys"; and "Look you fat fuckers! Mcdonalds!!" Further, Mr. Allen failed to provide appropriate supervision of student-athletes, which risked the health, safety, and welfare of student-athletes when he allowed a fifth-grade student athlete to wrestle a junior high student athlete, in violation of Ohio High School Athletic Association regulations. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that Jeremy L. Allen be ineligible to reapply for any license, permit, or certificate issued by the State Board of Education until on or after November 16, 2024, provided that he submits written verification to the Ohio Department of Education that he has completed, at his own expense, eight hours of student-teacher boundary training, eight hours of sensitivity training, and a course in student safety, with all training and courses to be approved in advance by the Ohio Department of Education; and, Be It Further

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

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

President McGuire called for a roll call vote.

YES VOTES

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

Motion carried.

Aaron Ross, Director, Office of Professional Conduct, presented the following recommendation (Item 9):

9. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO STRIKE IN PART THE OBJECTIONS TO THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER AND TO REVOKE THE FIVE-YEAR PROFESSIONAL KINDERGARTEN-ELEMENTARY TEACHING LICENSE OF DARLA R. FIEDELDEY

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

WHEREAS Darla R. Fiedeldey held a five-year professional kindergarten-elementary teaching license issued in 2013; and

WHEREAS on February 6, 2020, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Darla R. Fiedeldey of its intent to determine whether to limit, suspend, revoke, or permanently revoke her five-year professional kindergarten-elementary teaching license issued in 2013 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Fiedeldey engaging in conduct unbecoming to the teaching profession on or about October 2, 2017, when she used an inappropriate physical intervention with a student; specifically, she dragged the student, by the student's arm, down a hallway and into a classroom; and

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

WHEREAS a hearing was held on March 30-31, 2021; and

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

WHEREAS the hearing officer recommends that Ms. Fiedeldey's license be revoked and that she not be permitted to reapply for a license, permit, or certificate issued by the State Board of Education until on or after January 1, 2023, provided that she completes, at her own expense, a fitness to teach evaluation, eight hours of nonphysical intervention training, eight hours of positive behavioral intervention support training, and four hours of professionalism training, with all training to be preapproved by the Ohio Department of Education. The hearing officer's recommendation is based upon the following: the nature and seriousness of Ms. Fiedeldey's conduct in dragging the student by the arm down a hallway and into a classroom while the student was lying on the floor; Ms. Fiedeldey being over forty-years-old at the time of her misconduct and having the age, maturity, and experience to know that her conduct did not conform to the requirements of her profession; and that Ms. Fiedeldey's licensure will negatively impact the health, safety, and welfare of the school community based on her conduct with the student and the concern that she will continue to treat uncooperative students in a manner contrary to the policies of her employing district and the Licensure Code; and

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

WHEREAS the Ohio Department of Education filed a motion to strike Ms. Fiedeldey's objections in part based on the objections not being proper as contemplated by R.C. 119.09 because the objections are characterizations of evidence not supported by the record; and

WHEREAS the hearing officer recommended that the Ohio Department of Education's motion to strike Ms. Fiedeldey's objections in part be granted based upon portions of Ms. Fiedeldey's objections asserting conclusions unsupported by the record or unsupported by the evidence; 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 in part Ms. Fiedeldey's objections; and Be It Further

RESOLVED, That the State Board of Education hereby STRIKES IN PART Ms. Fiedeldey's objections in accordance with the hearing officer's entry dated July 20, 2021; and Be It Further

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Darla R. Fiedeldey's five-year professional kindergarten-elementary teaching license issued in 2013 based upon Ms. Fiedeldey engaging in conduct unbecoming to the teaching profession on or about October 2, 2017, when she used an inappropriate physical intervention with a student; specifically, she dragged the student, by the student's arm, down a hallway and into a classroom. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that

Darla R. Fiedeldey be ineligible to reapply for any license, permit, or certificate issued by the State Board of Education until on or after January 1, 2023, provided that she submits written verification to the Ohio Department of Education that she has completed, at her own expense, a fitness to teach evaluation by a licensed psychologist or psychiatrist, who is preapproved by the Ohio Department of Education and who determines that Ms. Fiedeldey is fit to serve in the school community as an educator and does not pose a threat to the safety and welfare of students and the school community, and that she has completed, at her own expense, eight hours of nonphysical intervention training, eight hours of positive behavioral intervention support training, and four hours of professionalism training, with all training to be approved in advance by the Ohio Department of Education; and, Be It Further

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

It was Moved by Mrs. Fessler and Seconded by Ms. Johnson that the above recommendation (Item 9) be approved.

Mr. LaRue moved to offer a resolution to modify. Ms. Johnson seconded the motion. Mr. LaRue stated the resolution set a limit to the suspension with corrective course work on physical interaction. This seemed to be the more appropriate course of action.

Ms. Johnson asked for clarification as to what type of motion this was. After discussion, President McGuire responded this was an amendment by substitution because of the deletion and addition of information that had been done to the original resolution.

Mrs. Fessler requested clarification regarding the process of offering an amendment to a resolution or offering a substitute resolution. She stated she wished to be fully informed and asked if this item could be tabled to the December meeting.

Mrs. Fessler moved to postpone item 9 as it is currently presented to the December meeting of the Board. Mrs. Hill seconded the motion. This motion is being presented so that in the interim period, clarification can be provided regarding the offering an amendment to a resolution or offering a substitute resolution. She stated she was troubled by this based on three previous instances where resolutions were drastically changed in a way that has caused her to wonder whether there is a provision in Roberts Rules of Order that made that permissible.

The Board took a brief recess to confer on the matter and President McGuire informed the Board that if substantive changes are made, the motion would be that it is an amendment by substitution.

Mrs. Fessler withdrew her motion to postpone item 9. Mrs. Hill withdrew her second to Mrs. Fessler's motion. President McGuire asked if there were any objections. There were no objections.

President McGuire stated the Board would again consider the proposed amendment by substitution from Mr. LaRue

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

YES VOTES

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

Christina Collins
Walter Davis
John Hagan
Meryl Johnson
Jenny Kilgore
Paul LaRue
Antoinette Miranda
Brendan Shea

Stephen Dackin
Diana Fessler
Kirsten Hill
Brandon Kern
Mark Lamoncha
Martha Manchester
Michelle Newman
Mike Toal

NO VOTES

Tim Miller

ABSTAIN

Charlotte McGuire

Motion carried.

Resolution as amended:

- 9. RESOLUTION TO MODIFY THE REPORT OF THE HEARING OFFICER, TO REJECT THE RECOMMENDATION OF THE HEARING OFFICER, TO STRIKE IN PART THE OBJECTIONS TO THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER AND TO SUSPEND THE FIVE-YEAR PROFESSIONAL KINDERGARTEN-ELEMENTARY TEACHING LICENSE OF DARLA R. FIEDELDEY**

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

WHEREAS Darla R. Fiedeldey held a five-year professional kindergarten-elementary teaching license issued in 2013; and

WHEREAS on February 6, 2020, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Darla R. Fiedeldey of its intent to determine whether to limit, suspend, revoke, or permanently revoke her five-year professional kindergarten-elementary teaching license issued in 2013 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Fiedeldey engaging in conduct unbecoming to the teaching profession on or about October 2, 2017, when she used an inappropriate physical intervention with a student; specifically, she dragged the student, by the student's arm, down a hallway and into a classroom; and

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

WHEREAS a hearing was held on March 30-31, 2021; and

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

WHEREAS the hearing officer recommends that Ms. Fiedeldey's license be revoked and that she not be permitted to reapply for a license, permit, or certificate issued by the State Board of Education until on or after January 1, 2023, provided that she completes, at her own expense, a fitness to teach

evaluation, eight hours of nonphysical intervention training, eight hours of positive behavioral intervention support training, and four hours of professionalism training, with all training to be preapproved by the Ohio Department of Education. The hearing officer's recommendation is based upon the following: the nature and seriousness of Ms. Fiedeldey's conduct in dragging the student by the arm down a hallway and into a classroom while the student was lying on the floor; Ms. Fiedeldey being over forty-years-old at the time of her misconduct and having the age, maturity, and experience to know that her conduct did not conform to the requirements of her profession; and that Ms. Fiedeldey's licensure will negatively impact the health, safety, and welfare of the school community based on her conduct with the student and the concern that she will continue to treat uncooperative students in a manner contrary to the policies of her employing district and the *Licensure Code of Professional Conduct for Ohio Educators*; and

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

WHEREAS the Ohio Department of Education filed a motion to strike Ms. Fiedeldey's objections in part based on the objections not being proper as contemplated by R.C. 119.09 because the objections are characterizations of evidence not supported by the record; and

WHEREAS the hearing officer recommended that the Ohio Department of Education's motion to strike Ms. Fiedeldey's objections in part be granted based upon portions of Ms. Fiedeldey's objections asserting conclusions unsupported by the record or unsupported by the evidence; 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;

WHEREAS the State Board of Education rejects the following portions of the hearing officer's Report and Recommendation: reject in its entirety the Recommendation section of the Summary Fact Sheet; and reject in its entirety the Recommendation section of the Report and Recommendation; and

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

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

WHEREAS the State Board of Education finds that the administrative record identifies the following mitigating factors: Ms. Fiedeldey has taught for twenty years and never received prior discipline from her employing school district; Ms. Fiedeldey has seventeen years of good performance evaluations as a teacher; the

student had a history of running out of the classroom during his first year of kindergarten and had done so on the day in question; the student's mother requested that Ms. Fiedeldey be the student's classroom teacher; during the incident, Ms. Fiedeldey called the student's mother for assistance in convincing the student to get up and walk to the classroom; and there was no evidence submitted that the student was injured during the incident; and

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

WHEREAS the State Board of Education concludes that revoking Ms. Fiedeldey's license is not warranted in this case based on the mitigating factors and a more appropriate sanction would be to suspend Ms. Fiedeldey's license from October 2, 2017 through June 30, 2018, and allow Ms. Fiedeldey to reapply after she completes, at her own expense, four hours of nonphysical intervention training; Therefore, Be It

RESOLVED, That the State Board of Education accepts the hearing officer's recommendation to strike in part Ms. Fiedeldey's objections; and, Be It Further

RESOLVED, That the State Board of Education hereby **STRIKES IN PART** Ms. Fiedeldey's objections in accordance with the hearing officer's entry dated July 20, 2021; and Be It Further

RESOLVED, That the State Board of Education rejects the following portions of the hearing officer's Report and Recommendation: reject in its entirety the Recommendation section of the Summary Fact Sheet; and reject in its entirety the Recommendation section of the Report and Recommendation; and, Be It Further

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

RESOLVED, That the State Board of Education finds that the administrative record identifies the following mitigating factors: Ms. Fiedeldey has taught for twenty years and never received prior discipline from her employing school district; Ms. Fiedeldey has seventeen years of good performance evaluations as a teacher; the student had a history of running out of the classroom during his first year of kindergarten and had done so on the day in question; the student's mother requested that Ms. Fiedeldey be the student's classroom teacher; during the incident, Ms. Fiedeldey called the student's mother for assistance in convincing the student to get up and walk to the classroom; and there was no evidence submitted that the student was injured during the incident; and, Be It Further

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

RESOLVED, That the State Board of Education concludes that revoking Ms. Fiedeldey's license is not warranted in this case based on the mitigating factors and a more appropriate sanction would be to suspend Ms. Fiedeldey's license from October 2, 2017 through June 30, 2018, and allow Ms. Fiedeldey to reapply after

she completes, at her own expense, four hours of nonphysical intervention training; and, Be It Further

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **SUSPENDS** Darla R. Fiedeldey's five-year professional kindergarten-elementary teaching license issued in 2013 from October 2, 2017, through the date of expiration, June 30, 2018, based upon Ms. Fiedeldey engaging in conduct unbecoming to the teaching profession on or about October 2, 2017, when she used an inappropriate physical intervention with a student; specifically, she dragged the student, by the student's arm, down a hallway and into a classroom. Further, the State Board of Education orders that Darla R. Fiedeldey be ineligible to reapply for any license, permit, or certificate issued by the State Board of Education until she submits written verification to the Ohio Department of Education that she has completed, at her own expense, four hours of nonphysical intervention training, with the training to be approved in advance by the Ohio Department of Education; and, Be It Further

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

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

YES VOTES

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

NO VOTES

Tim Miller

ABSTAIN

Charlotte McGuire

Motion carried.

Kelly Edwards, Assistant Director, Office of Professional Conduct, presented the following recommendation (Item 10):

- 10. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE PERMANENTLY THE THREE-YEAR PUPIL ACTIVITY PERMIT OF MADISON A. MURPHY**

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

WHEREAS Madison A. Murphy holds a three-year pupil activity permit issued in 2019; and

WHEREAS on December 9, 2020, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Madison A. Murphy of its intent to determine whether to limit, suspend, revoke, or permanently revoke her three-year pupil activity permit issued in 2019 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Murphy engaging in the following conduct unbecoming to the teaching profession: on or about, but not limited to the fall 2019 rowing season, during and/or after her employment as the head crew coach for St. Francis de Sales School and Central Catholic High School, Ms. Murphy failed to maintain appropriate professional boundaries with student athletes, including, but not limited to providing an inappropriate picture of herself to a student while providing her contact information to the student; talking about being involved in a relationship with a high school student from another school to at least one member of her crew team and asking people to not say anything because she would get in trouble; being involved in an electronic communication group message chain with student-athletes that included unprofessional language and conduct; and Ms. Murphy engaged in an inappropriate relationship with another student, specifically, Ms. Murphy had a flirtatious/romantic and/or dating relationship with the student; and

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

WHEREAS a hearing was held on July 7, 2021; and

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

WHEREAS the hearing officer recommends that Ms. Murphy's permit be revoked and that she be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education. The hearing officer's recommendation is based upon the nature and seriousness of Ms. Murphy's conduct including her failure to maintain appropriate professional boundaries with student-athletes and engaging in a romantic relationship with one of the student-athletes she was coaching, and Ms. Murphy's conduct demonstrating that her continued licensure will negatively impact the health, safety, and welfare of the school community; and

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Madison A. Murphy's three-year pupil activity permit issued in 2019 based upon Ms. Murphy engaging in the following conduct unbecoming to the teaching profession: on or about, but not limited to the fall 2019 rowing season, during and/or after her employment as the head crew coach

for St. Francis de Sales School and Central Catholic High School, Ms. Murphy failed to maintain appropriate professional boundaries with student athletes, including, but not limited to providing an inappropriate picture of herself to a student while providing her contact information to the student; talking about being involved in a relationship with a high school student from another school to at least one member of her crew team and asking people to not say anything because she would get in trouble; being involved in an electronic communication group message chain with student-athletes that included unprofessional language and conduct; and Ms. Murphy engaged in an inappropriate relationship with another student, specifically, Ms. Murphy had a flirtatious/romantic and/or dating relationship with the student. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Madison A. Murphy be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education; and, Be It Further

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

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

President McGuire called for a roll call vote.

YES VOTES

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

Motion carried.

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

11. **RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL MULTI-AGE TEACHING LICENSE OF JEFFERY W. SMITH**

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

WHEREAS Jeffery W. Smith holds a five-year professional multi-age teaching license issued in 2015; and

WHEREAS on November 3, 2020, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Jeffery W. Smith of its intent to determine whether to limit, suspend, revoke, or permanently revoke his five-year professional multi-age teaching license issued in 2015 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Smith engaging in conduct that is unbecoming to the teaching profession on or about December 19, 2018, when he had an inappropriate physical altercation with a student that included, but was not limited to, Mr. Smith pushing the student and pinning the student against the bleachers; and

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

WHEREAS a hearing was held on July 28, 2021; and

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

WHEREAS the hearing officer recommends that Mr. Smith's license be revoked and that he be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education. The hearing officer's recommendation is based upon Mr. Smith engaging in conduct that is unbecoming to the teaching profession when he physically and aggressively handled a student by pinning the student to the bleachers with other students having to intervene to remove Mr. Smith; 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** Jeffery W. Smith's five-year professional multi-age teaching license issued in 2015 based upon Mr. Smith engaging in conduct that is unbecoming to the teaching profession on or about December 19, 2018, when he had an inappropriate physical altercation with a student that included, but was not limited to, Mr. Smith pushing the student and pinning the student against the bleachers. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Jeffery W. Smith be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education; and, Be It Further

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

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

Ms. Johnson moved to amend the resolution by substitution. She stated that State Board of Education recognizes the seriousness of Mr. Smith's actions, but concludes that permanently prohibiting Mr. Smith for reapplying for any license, permit, or certificate is not warranted in this case based on the mitigating factors and that a more appropriate sanction would be to revoke Mr. Smith's license, but allow him to reapply in six months provided that he completes, at his own expense, a fitness to teach evaluation by a licensed psychologist or psychiatrist, four hours of Crisis Prevention Intervention training, and a course in anger management. Mr. LaRue seconded the motion.

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

YES VOTES

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

NO VOTES

Tim Miller

Motion carried.

Resolution as amended:

11. **RESOLUTION TO MODIFY THE REPORT OF THE HEARING OFFICER, TO REJECT THE RECOMMENDATION OF THE HEARING OFFICER AND TO REVOKE THE FIVE-YEAR PROFESSIONAL MULTI-AGE TEACHING LICENSE OF JEFFERY W. SMITH**

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

WHEREAS Jeffery W. Smith holds a five-year professional multi-age teaching license issued in 2015; and

WHEREAS on November 3, 2020, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Jeffery W. Smith of its intent to determine whether to limit, suspend, revoke, or permanently revoke his five-year professional multi-age teaching license issued in 2015 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Smith engaging in conduct that is unbecoming to the teaching profession on or about December 19, 2018, when he had an inappropriate physical altercation with a student that included, but was not limited to, Mr. Smith pushing the student and pinning the student against the bleachers; and

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

WHEREAS a hearing was held on July 28, 2021; and

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

WHEREAS the hearing officer recommends that Mr. Smith's license be revoked and that he be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education. The hearing officer's recommendation is based upon Mr. Smith engaging in conduct that is unbecoming to the teaching profession when he physically and aggressively handled a student by pinning the student to the bleachers with other students having to intervene to remove Mr. Smith; and

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

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

WHEREAS the State Board of Education rejects the following portions of the hearing officer's Report and Recommendation: reject in its entirety the Recommendation section of the Summary Fact Sheet; reject Conclusion of Law numbered 18; and reject in its entirety the last paragraph on page 14 that begins, "Based upon the foregoing Findings of Fact and Conclusions of Law..."; and

WHEREAS the State Board of Education adopts the remaining portions of the hearing officer's Report and Recommendation; and

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

WHEREAS the State Board of Education finds that the administrative record identifies the following mitigating factors: Mr. Smith was employed as a physical education teacher in the Dayton Public School District for several years with no evidence presented that he received any disciplinary action prior to December of 2018; Mr. Smith's misconduct appears to have been an isolated incident that was preceded by a physical fight breaking out between students; no evidence was presented that Mr. Smith received any de-escalation training prior to the incident in December of 2018; and Mr. Smith is a veteran and testified at the district's pre-disciplinary hearing that his behavior was caused by stress and that he may have had post-traumatic stress disorder ("PTSD"); and

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

WHEREAS the State Board of Education recognizes the seriousness of Mr. Smith's actions, but concludes that permanently prohibiting Mr. Smith for reapplying for any license, permit, or certificate is not warranted in this case based on the mitigating factors and that a more appropriate sanction would be to revoke Mr. Smith's license, but allow him to reapply in six months provided that he completes, at his own expense, a fitness to teach evaluation by a licensed psychologist or psychiatrist, four hours of Crisis Prevention Intervention training, and a course in anger management; Therefore Be It

RESOLVED, That the State Board of Education rejects the following portions of the hearing officer's Report and Recommendation: reject in its entirety the Recommendation section of the Summary Fact Sheet; reject Conclusion of Law numbered 18; and reject in its entirety the last paragraph on page 14 that begins, "Based upon the foregoing Findings of Fact and Conclusions of Law..."; and, Be It Further

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

RESOLVED, That the State Board of Education finds that the administrative record identifies the following mitigating factors: Mr. Smith was employed as a physical education teacher in the Dayton Public School District for several years with no evidence presented that he received any disciplinary action prior to December of 2018; Mr. Smith's misconduct appears to have been an isolated incident that was preceded by a physical fight breaking out between students; no evidence was presented that Mr. Smith received any de-escalation training prior to the incident in December of 2018; and Mr. Smith is a veteran and testified at the district's hearing that his behavior was caused by stress and that he may have had post-traumatic stress disorder ("PTSD"); and, Be It Further

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

RESOLVED, That the State Board of Education recognizes the seriousness of Mr. Smith's actions, but concludes that permanently prohibiting Mr. Smith for reapplying for any license, permit, or certificate is not warranted in this case based on the mitigating factors and that a more appropriate sanction would be to revoke Mr. Smith's license, but allow him to reapply in six months provided that he completes, at his own expense, a fitness to teach evaluation by a licensed psychologist or psychiatrist, four hours of Crisis Prevention Intervention training, and a course in anger management; and Be It Further

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Jeffery W. Smith's five-year professional multi-age teaching license issued in 2015 based upon Mr. Smith engaging in conduct that is unbecoming to the teaching profession on or about December 19, 2018, when he had an inappropriate physical altercation with a student that included, but was not limited to, Mr. Smith pushing the student and pinning the student against the bleachers. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Jeffery W. Smith be ineligible to apply for any license, permit, or certificate issued by the State Board of Education until on or after May 16, 2022, provided that he submits 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. Smith is fit to serve 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 that he has completed, at his own expense, four hours of Crisis Prevention Intervention training and a course in anger management, with all training to be approved in advance by the Ohio Department of Education; and, Be It Further

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

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

YES VOTES

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

NO VOTES

Tim Miller

Motion carried.

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

12. RESOLUTION TO DENY THE ONE-YEAR EDUCATIONAL AIDE PERMIT APPLICATIONS SUBMITTED IN 2019 AND 2020 BY KENNETH E. THOMAS, JR.

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

WHEREAS Kenneth E. Thomas, Jr. has submitted applications in 2019 and 2020 for a one-year educational aide permit; and

WHEREAS on August 3, 2021, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Kenneth E. Thomas, Jr. of its intent to deny or permanently deny his applications for a one-year educational aide permit submitted in 2019 and 2020 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Thomas' 2019 conviction in the

Fairfield County Municipal Court for one misdemeanor count of operating a vehicle under the influence of alcohol or drugs, 2013 conviction in the Franklin County Municipal Court for one misdemeanor count of operating a vehicle under the influence of alcohol or drugs, and 2010 conviction in the Medina Municipal Court for one misdemeanor count of operating a vehicle under the influence of alcohol or drugs; and

WHEREAS the notice informed Mr. Thomas 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 deny or permanently deny his applications for a one-year educational aide permit submitted in 2019 and 2020; and

WHEREAS Kenneth E. Thomas, 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 Fairfield County Municipal Court, Franklin County Municipal Court, and Medina Municipal Court, and certified police records from the Ohio State Highway Patrol and the Mifflin Township Police Department; and

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

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **DENIES** Kenneth E. Thomas, Jr.'s applications for a one-year educational aide permit submitted in 2019 and 2020 based upon Mr. Thomas' 2019 conviction in the Fairfield County Municipal Court for one misdemeanor count of operating a vehicle under the influence of alcohol or drugs, 2013 conviction in the Franklin County Municipal Court for one misdemeanor count of operating a vehicle under the influence of alcohol or drugs, and 2010 conviction in the Medina Municipal Court for one misdemeanor count of operating a vehicle under the influence of alcohol or drugs. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(a), orders that Kenneth E. Thomas, Jr. be ineligible to apply for any license, permit, or certificate issued by the State Board of Education until on or November 16, 2024 and until 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. Upon being issued a license, permit, or certificate by the Ohio Department of Education, Mr.

Thomas must complete, at his own expense, two years of random drug/alcohol testing as determined by the Ohio Department of Education; and, Be It Further

RESOLVED, That the State Board of Education directs the Ohio Department of Education, on its behalf, to implement the aforementioned terms and conditions regarding Mr. Thomas' applications. Further, if said terms and conditions have not been fulfilled completely upon Mr. Thomas applying for a new license, permit, or certificate, the State Board of Education directs the Ohio Department of Education to evaluate any new application in accordance with its orders and ensure all outstanding terms and conditions are addressed; and, Be It Further

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

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

President McGuire called for a roll call vote.

YES VOTES

Christina Collins
Walter Davis
John Hagan
Meryl Johnson
Jenny Kilgore
Paul LaRue
Tim Miller
Michelle Newman
Mike Toal

Stephen Dackin
Diana Fessler
Kirsten Hill
Brandon Kern
Mark Lamoncha
Martha Manchester
Antoinette Miranda
Brendan Shea

ABSTAIN

Charlotte McGuire

Motion carried.

President McGuire presented the following recommendation (Item 13):

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

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

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

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

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

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

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

Nominees:

- 1) William Joseph Friess
- 2) Casey Smith

Appointed:

_____ - Middle School Principal

President McGuire opened the floor for nominations.

Mr. Shea Moved the nomination for Casey Smith. Ms. Newman Moved the nomination for William Joseph Friess.

President McGuire asked if there were any objections to closing nominations. There were no objections.

Mr. Shea and Ms. Newman spoke in favor of their nominations.

Ms. Johnson spoke in favor of Casey Smith.

Dr. Collins stated that Casey Smith indicated in his application that he was not available on Friday's, which is when the Educator Standards Board meets.

Mr. LaRue stated there is a need for as many voices from rural southern Ohio as possible.

Mr. Shea moved to postpone item 13 to the December meeting of the Board. Ms. Johnson seconded the motion. Mr. Shea stated the issue of Casey Smith's availability on Friday's could be confirmed before the December meeting.

President McGuire asked if there were any objections to the motion. There were no objections.

Non-Resolutions
Old Business

President McGuire stated a review of the Board's Policy and Procedures manual would be coming forth and anyone having an interest should contact Vice President Dackin.

New Business

President McGuire stated Dr. Kilgore has agreed to chair the Integrated Student Supports Committee and anyone interested in serving as Vice Chair should contact Board leadership.

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

The President requested a voice vote.

Motion carried.

President Kohler adjourned the meeting at 2:35 p.m. The next regularly scheduled meeting of the State Board of Education is December 13-14, 2021.

ATTEST:



Charlotte McGuire
President
State Board of Education



Dr. Stephanie K. Siddens
Interim Superintendent of Public Instruction

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