

**STATE BOARD OF EDUCATION OF OHIO  
MINUTES**

July 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	Jenny Kilgore
Laura Kohler	Mark Lamoncha
Paul LaRue	Martha Manchester
Charlotte McGuire	Tim Miller
Antoinette Miranda	Michelle Newman
Eric Poklar	Brendan Shea
Mike Toal	

**EX OFFICIO MEMBERS**

Senator Andrew Brenner	Representative Gayle Manning
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**SECRETARY**

Paolo DeMaria  
Superintendent of Public Instruction

Mr. Lamoncha was absent on Tuesday.

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The State Board convened on Monday, July 12, at the Ohio Department of Education in Columbus.

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**STATE BOARD BUSINESS MEETING**

President Kohler convened the Business meeting of the State Board of Education on Monday, July 12, at 8:00 a.m.

President Kohler asked the Recording Secretary to call the roll.

**YES VOTES**

Christina Collins	Stephen Dackin
Walter Davis	Diana Fessler
John Hagan	Kirsten Hill
Meryl Johnson	Jenny Kilgore
Laura Kohler	Mark Lamoncha
Paul LaRue	Martha Manchester
Charlotte McGuire	Tim Miller

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Antoinette Miranda  
Eric Poklar

Michelle Newman  
Brendan Shea

Motion carried.

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

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

Mrs. McGuire stated the minutes should reflect she led the Board in the Pledge of Allegiance and prayer.

Mrs. Fessler stated the enrolled version of HB 6 contains a provision for the Department of Education to adopt emergency rules. She was not aware of the Department adopting rules but rather the Board. She asked the date of the legislative report, when was the provision put into the bill and why wasn't the Board notified. It was noted the legislative report did not contain this provision; therefore, it would not have been included in the minutes. President Kohler stated this issue could be discussed further.

It was Moved by Mrs. Manchester and Seconded by Dr. Kilgore that the Minutes be approved with the addition by Mrs. McGuire. The President called for a voice vote.

Motion carried.

Note: Mrs. Fessler stated she voted no because the minutes were not mailed to her, and she had not finished reading them.

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The Board's Teaching, Leading and Learning Committee met beginning at 8:05 a.m.

Topics of discussion were:

- Discuss: OAC 3301-42-01 Criteria for Enrolling Adults in Public Secondary Education Programs (Possible Vote)
- Discuss: OAC 3301-24-11 Alternative Principal License and OAC 3301-24-12 Alternative Superintendent License and Alternative Administrative Specialist License (Possible Vote)
- Discuss: Ohio Assessments for Educators Annual Review of Data and Qualifying Score Recommendations

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The Board's Performance & Impact Committee met beginning at 8:05 a.m.

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Topics of discussion were:

- Discuss: OAC 3301-16 Rule Review (Possible Vote)
  - 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: Career-Technical Planning District Report Card - Overview



The Board’s Emerging Issues and Operational Standards Committee met beginning at 10:15 a.m.

Topics of discussion were:

- Discuss: Business Advisory Councils
- Discuss: 3301-69-03 Medicaid School Component Administrative Costs
- Discuss: Supports for Schools and Districts
  - Regional Data Leads
  - Other Supports



The Board’s Integrated Student Supports Committee met beginning at 10:15 a.m.

Topics of discussion were:

- Discuss: Child Nutrition Programs: Continued
- Discuss: Supporting Students in Foster Care



The State Board recessed for lunch.



**REPORT OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

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

- Professional Conduct Annual Report (Aaron Ross and Abigail Miller)
- Planning for 2021-2022 School Year
- Report Card Reform Update

**2020 Professional Conduct Annual Report**

Presenters: Aaron Ross, Director, and Abigail Miller, Senior Managing Attorney, Office of Professional Conduct.

2020 at a Glance:

- 349,057 Licensed Educators

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- 14,739 Referrals
- 1,018 Investigations
- 809 Dispositions
- 399 Disciplines

Intake Referrals 2010-2020:

2018 – 14,696

2019 – 13,160

2020 – 14,739

\*Top three years

Non-Application Referrals 2020:

- School District – 385
- Rapback – 1,809
- Prosecutor Report – 2
- NASDTEC – 159
- Media Report – 32
- Internal Referral – 181
- External Agency – 25
- Citizen Complaint – 287
- Children Services – 142
- Background Report – 62

2020 Investigations by Referral Source:

- School District – 343
- Rapback – 211
- Prosecutor Report – 0
- NASDTEC – 8
- Media Report – 10
- Internal Referral – 32
- External Agency – 10
- Citizen Complaint – 22
- Children Services – 38
- Background Report – 1
- Application – 343

Investigation Timeline:

Average length of time for an investigation

- 7 months (Median of 4 Months)

Dispositions by Decision Maker:

- ABM – 24%
- State Superintendent – 57%
- State Board of Education – 19%

Office of Professional Conduct by the Numbers:

	<u>Yearly</u>	<u>Weekly</u>
Referrals	14,739	283.4
Investigations	1,018	19.6
Dispositions	809	15.6

Outreach Program:

Goals

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- To help educators learn and understand the Licensure Code of Professional Conduct for Ohio Educators
- To provide resources to help educators navigate the grey areas of professional conduct

### Outreach Program:

- 1) #ABConduct Tip Sheets
- 2) Understanding the Educator Discipline Process
- 3) Professional Conduct Video Presentations
- 4) Professional Conduct E-Course

### Presentations:

#### Presentations Cover:

- Licensure Code of Professional Conduct
- Ethical Dilemmas and Mitigating Risks
- Administrator Presentations

## **Planning for 2021-2022 School Year**

### District Planning:

Ensure that districts and schools are planning ahead for a strong start of the 21-22 school year.

#### Activities:

- Partnership with ESCs to support district planning activity
- Continuity of Education Plans (online)
- District Expenditure Plans
- Emphasis on Learning Loss, Summer Enrichment, and Before-and-After School programming (federal)
- Promote continuing collaboration with local health departments re safety protocols; Promote vaccinations for students

### Instructional Modalities:

Support districts in advancing the learning approaches identified by the district to meet student needs.

#### Activities:

- Online Learning Schools (NEW - budget bill)
- Blended Learning Declarations
- RemotEDx Supports

### Excellent Teaching & Learning:

Promote and support continuous improvement in teaching and learning that impact all students

#### Activities:

- High Quality Instructional Materials
- Formative Assessment and Data Use (Regional Data Leads)
- Each Child Means Each Child
- Literacy Plan
- Career-Technical Education (Perkins V plan)
- High School Redesign

### Enabling Student Supports:

Direct the Whole Child Advisory Group and Student Wellness and Success Funds Best Practices Showcase Workgroup.

#### Activities:

- Whole Child Framework

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- Attendance and Chronic Absence (Stay in the Game)
- Success and Wellness Planning
- Partnership Activities – School based health care network, Mental Health collaboration, School Safety Center, etc.

### Early Childhood:

Collaborate with partner agencies and providers to ensure continuing access and quality of early childhood learning opportunities

#### Activities:

- Anticipated enrollment bump (use of federal funds)
- Early Learning Development Standards
- Revised Kindergarten Readiness Assessment
- Continuing focus on quality

### Funding:

Ensure districts and schools have the resources to which they are entitled.

#### Activities:

- State funding changes (NEW – budget bill)
- Federal funding supports – ED STEPS Implementation

### Transportation:

Proactively work to minimize transportation conflicts and disruptions

#### Activities:

- Changes in community school & private school transportation regulations (NEW – budget bill)
- Proactive communications with schools/districts

### Business-Education Partnership:

Continue to emphasize and support business-education partnerships that focus on careers

#### Activities:

- Strengthen Business Advisory Councils
- Increase achievement of industry recognized credentials
- Advance regional sector partnerships

## **Report Card Reform Update**

### House Bill 82 - Report Card Reform:

- Sponsored by Representatives Jon Cross (R-Kenton) and Don Jones (R-Freeport).
  - Allows a parent to have their child opt out of taking the SAT/ACT.
- Unanimously reported by House Education Committee (May 26) and unanimously passed by the House (June 10).
- Referred to the Senate Primary & Secondary Education Committee (June 16)
  - Substitute bill adopted that include report card reform provisions (June 22)
  - Clarifying amendments adopted and bill is favorably reported (6-0; June 23)
- Senate passes 32-1 (June 23).
- House concurs with Senate amendments 91-3 (June 25).
- Governor signed on July 1, with 90-day effective date.

### Key Provisions:

- Effective for report cards issued Fall 2022.
- Replaces A-F letter grade system with a 5-star rating system. Also, to include narrative descriptions and trend arrows.

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- Retains overall rating for districts and buildings to begin with star-system for the 2022-2023 school year.

Starting with the 2021-2022 school year, the report cards will include six components:

- Gap Closing
- Achievement
- Progress
- Graduation
- Early Literacy
- College, Career, Workforce and Military Readiness\*

\*Not graded (report only) until 2024-2025 school year

Gap Closing Component:

Includes six measures:

- 1) Gifted performance indicator
- 2) Chronic absenteeism indicator
- 3) English language proficiency improvement indicator
- 4) Subgroup graduation targets
- 5) Subgroup achievement targets
- 6) Subgroup progress targets

Achievement Component:

- Resets the maximum performance index score as the average of the highest 2% of PI scores achieved for that year.
  - This max score is to be set this way for buildings and districts.

Progress Component:

Overall value-added progress dimension score measure uses 3 consecutive years of data where available with the most recent year weighted at 50%.

Rated Progress Component

- Growth 2 Years Ago – 25%
- Growth Last Year – 25%
- Growth Current Year – 50%

Graduation Component:

- Retains use of the 4- and 5-year adjusted cohort graduation rates.
- Requires reporting of disaggregated data on students that have not graduated, including:
  - Students still enrolled with the district receiving general education services
  - Students with an IEP who met conditions to graduate but opted not to receive a diploma and still receive services
  - Students no longer enrolled in any school or district
  - Students who arrived in the district with fewer units of instruction than their cohort peers

Early Literacy Component:

Includes three measures

- 1) Percentage of students scoring proficient or higher on third-grade reading
- 2) Whether the school or district is making progress to improve off-track readers
- 3) Percentage of students who are promoted to 4th grade (who are not subject to retention under Third Grade Reading Guarantee)

College, Career, Workforce and Military Readiness Component:

Reflects the number of students in the 4-year graduation cohort that achieve or earn at least one of the following

- Remediation free score on SAT/ACT
- Score of 3 or more on AP or IB exam
- 12 college credits through an advanced standing program
- Honors diploma
- Industry-recognized credential or state-issued vocational license
- Pre-apprenticeship in the student's chosen career field
- Completion of an apprenticeship
- Acceptance into an apprenticeship program after high school
- Cumulative score of proficient or higher on 3 or more state technical assessments
- OhioMeansJobs readiness seal and completing 250 hours of an internship or work-based learning
- Evidence of military enlistment

Student Opportunity Profiles:

Beginning with the report card for the 2022-2023 school year, a student opportunity profile will report information about the opportunities provided to students by a district or building.

More than 20 specific items, including

- Ratios of teachers and other staff to students.
- Students enrolled in arts, physical education, or world language courses.
- Participation in extracurricular, enrichment or support programs.

Department Studies:

- By September 30, 2023, the Department must conduct a study regarding effectiveness and necessity of the value-added progress dimension ranking of public schools.
- By December 31, 2024, the Department must issue a report regarding the effectiveness of the state report card.

State Report Card Committee:

Convenes July 1, 2023, to issue a report by June 30, 2024.

- 2 members of the House
- 2 members of the Senate
- Superintendent of Public Instruction or designee
- Elementary school teacher
- High school teacher
- Gifted student service provider
- Special education service provider
- Private school representative
- Business community representative
- Parent

Next Steps and Upcoming Work:

- Bill is effective on September 30, 2021.
- Department releases the 2020-2021 report cards on October 14, 2021
- Board committee work begins in November 2021 on new rules.
- Board must approve rules by March 31, 2022.
- Presentation to General Assembly required.



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

House Bill 110: State Budget Bill Funding Provisions

- Conference Committee unanimously reported on June 28.
- Senate approved 32-1.
- House approved 84-13.
- Governor signed on June 30.
- 14 vetoes, 4 related to education.
- Some provisions effective immediately, others on September 30, 2021 (90 days).

Increased Funding for K-12 Education:

- Compared to estimated FY21 spending, HB 110 increases state spending on K-12 Education by \$534.7 million (5.6%) in FY22 and an additional \$203.8 million (2.0%) in FY23.
- The final passed budget adds an additional \$1.28 billion in new state spending in the 22-23 biennium compared to estimated FY21 spending.

Note: State spending is comprised of GRF, Lottery, and Dedicated Purpose Funds with GRF cash transfers.

School Funding – Key Changes:

- Implements the Fair School Funding Plan for FY22 and FY23.
- Direct funding for Community Schools, STEM Schools, Scholarship Programs, and Open Enrollment (fund students where they are educated).
- Establishes a base cost methodology based on student teacher ratios, minimum staffing levels, and actual costs.
- Implements a new state and local cost methodology using property and income for all districts.
- Revises categorical aid and restricts funds for subgroups.

Base Cost:

Current Law

- Since the 2013-14 school year, this element of the formula is referred to the opportunity grant or formula amount.
- In FY19, the per-pupil amount was \$6,020.
- Calculated based on the current year resident district ADM (formula ADM).
- The per-pupil amount has received criticism because it is not connected to the actual cost of educating a student.

As Passed in HB 110

- Using an input-based and professional judgement approach to a base cost.
- Each school district will generate a different base cost amount.
- The Legislative Service Commission (LSC) estimates that, as included in HB 110, the average base cost per pupil will be \$7,202 (when fully phased-in).
- Calculated using the higher of prior year enrolled ADM or a trailing three-year average, whichever is higher.

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

- Teacher Base Cost
- Student Support (including a restricted Student Wellness and Success component)
- District Leadership & Accountability

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- Building Leadership & Operations
- Athletic Co-Curricular (contingent on participation)

State/Local Share:

Current Law

- State share index serves as a measure of a school's wealth and capacity and serves as the state contribution to the calculation of various funding components.
- A range of 5% for the wealthiest districts in the state and 90% for the districts with the lowest capacity.
- Calculated based on a relative comparison of three-year average property values for all districts adjusted by income for some districts.

As Passed in HB 110

- Replaces the state share index with a variable charge-off amount and a derived state share percentage.
- A range of 5% for the wealthiest districts in the state and no maximum.
- Uses property values (60%) and two measures of income (40%) for all districts to determine state share percentage.
- Updates the state share for each year of the biennium.
- Reduces the comparative nature of the state share index.

Targeted Assistance/Capacity Aid:

Current Law

- Provides scaled targeted assistance funding to schools based on a wealth per pupil measure using average property and income (weighted equally).
- Supplemental targeted assistance is more than 10% of real property value is from agriculture values.
- Capacity aid funding for schools who generate local revenue for 1 mill of voted property tax that is less than the statewide average.

As Passed in HB 110

- Combines the concept of capacity aid and targeted assistance.
- Provides additional funding based on a wealth measure using property (weighted at 60%) and income (weighted at 40%).
- Provides supplemental targeted assistance to lower wealth districts whose enrolled ADM is less than 88% of its total ADM for FY19.

Categorical Aid:

Current Law

Provides additional funding for:

- K-3 Literacy
- Economically disadvantaged students (restricted funding)
- Gifted students
- English learners (3 categories)
- Students with disabilities (6 categories – restricted funding)
- Career-Technical Education (5 categories – restricted funding)

As Passed in HB 110

Provides additional funding beyond base cost for:

- Economically disadvantaged students (increased per pupil amount and renamed disadvantaged pupil impact aid)
- Gifted students - restricted and adopt 2018 cost study
- English learners – restricted and convert to weights

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- Students with disabilities – convert to weights
- Career-Technical Education – convert to weights

### Student Wellness and Success Funding:

#### Current Law

- Student Wellness and Success Funding is a stand-alone item designed to serve all students.
  - May be used for certain designated initiatives, based on a plan developed with two community partners.
- The Governor proposed \$1.1 billion for Student Wellness and Success Funding over the next biennium.
- Per-pupil funding scaled based on census poverty data.

#### As Passed in HB 110

- Moves Student Wellness and Success Funding initiative into the DPIA funding.
- Allows funds to be spent on certain initiatives, including those previously designated under the Student Wellness and Success Funding.
- Requires that districts develop implementations plans with a community partner as to how they plan to use these DIPA funds. This is like the requirement that existed under the stand-alone Student Wellness and Success.
- Unspent funds from FY20 and FY21 continue to be restricted for SWSF purposes.

### Transportation:

#### Current Law

- Provides funding based on the greater of:
  - Statewide average cost per mile
  - Statewide average cost per rider
- Funds all resident district students transported more than 1 mile (traditional, community school, STEM school, and nonpublic student).
- Provides supplemental transportation for low-density districts.
- Establishes a 25% minimum state share.

#### As Passed in HB 110

- Maintains funding based on the greater of the cost per rider or mile.
- Funds all students who ride the bus (preschoolers, nonresident students, and students who live within 1 mile of school).
- Provides additional funding for districts transporting community school, STEM, and nonpublic.
- Targets supplemental transportation funding to low density districts.
- Provides additional funding for transportation efficiency.
- Increases the minimum state share to 29.17% in FY22 and 33.33% in FY23.

### Funding for Scholarship Programs:

#### Current Law

- Funding for traditional EdChoice, Autism and Jon Peterson Special Needs scholarships are funded through a deduction from the student's resident school district.
- The Cleveland Scholarship Program is funded both through a deduction from the Cleveland Municipal School District and direct state payments.

#### As Passed in HB 110

- Implements direct funding for traditional EdChoice Scholarship Program, Autism Scholarship Program, and Jon Peterson Special Needs Scholarship Program.
- Implements direct funding for Cleveland Scholarship Program.
- Increases the maximum scholarship amount for all programs.

Funding for Other Education Models:

- Community Schools, STEM schools, joint vocational school districts, and educational service centers (ESCs) all have new funding methodologies.
- Substantially similar to the methodology used for traditional school districts, with some differences to account for the differences in the model.

Phase-In Approach:

While House Bill 110 does not include a cap – the full amount calculated by the formula is not paid out to schools and districts. This is executed through a phase-in.

- Most components subject to, “general phase-in percentage” of 16.67% in FY22 and 33.33% in FY23.
- DPIA phased-in at 0% for FY22 and 14% for FY23.
- Transportation funding not subject to phase-in.
- Community Schools and STEM schools subject to phase in (new).

Formula Transitional Aid:

Often referred to as the “guarantee,” the final version of HB 110 includes a number of guarantees in both temporary law and permanent law to ensure no school receives less than FY21.

- For districts, this is an aggregate calculation of state foundation funding – (with funding cuts restored), net of transfers and deductions, plus Student Wellness and Success Funds and other additional aid items.
- For community schools and STEM schools, this is calculated in a similar way but on a per pupil basis (new).

School Funding Related Changes:

Provides additional funding for

- Preschool special education (eliminate proration)
- Special education transportation (simplifies calculation, increases minimum state share, and eliminates proration)

Establishes new funding for:

- Transportation collaboration grants
- Career awareness and exploration funds

School Funding Related Changes:

- Includes funding for school bus purchase (\$50 million).
- Provides executive recommended amounts for Quality Community School Support (\$54 million)
- Increases Community School Facilities Funding from \$250 to \$500 per pupil (\$42.0 million)
- Restored Industry Recognized Credential funding (\$20.5 million annually)
- Increased funding for non-public school via Auxiliary Services and Nonpublic Administrative Cost Reimbursement.

Other Budget Changes:

- Removed Prevention Education grants (\$1 million annually)
- Increased funding for 22+ Adult Diploma program (\$600,000y)
- Removed appropriation authority for the federal Elementary and Secondary School Emergency Relief Fund (ESSER). ODE had requested \$1.2 billion in each fiscal year. \$390 million from HB 170 will be reappropriated from FY21 to FY22. Additional funding in both FY22 and FY23 is needed for ESSER II and ESSER III.

Operating Funding Changes:

- Reduced operating funding by \$757K (5%) in FY22 and \$454K (3%) in FY23

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- Reduced funding for Office of Community Schools (\$1 million annually)
- Eliminated GRF funding for Teacher and Principal Evaluation development and support (\$1.3 million annually).

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

#### EdChoice

- Establishes direct funding for 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 who failed to test during the 2020-2021 school year and waiving automatic closure based on recent report cards.
- Allows “exemplary” rated sponsors to open 2 dropout prevention and recovery e-schools per year (but not more than 6 in a 5-year period).

#### Computer Science:

- Creation of a committee to develop a state plan for computer science education.
- Committee shall include stakeholders representing career-technical education, teachers, institutions of higher education, businesses and state and national computer science organizations.
- Plan shall consider best practices and challenges for computer science education, workforce needs, data collection needs.

#### 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 Superintendent may grant two 1-year extensions.
- Based on meeting improvement benchmarks.
  - If not met by the end of the improvement period, revert to ADC status.

#### District Online Learning Schools:

- Sets parameters for districts that want to continue 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.
- State Board is charged with updating operating standards to account for online learning.

#### 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.

#### Licensure:

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- Permits State Board to take action against the license of a school employee that assists a student in cheating on an assessment.
- Adds human trafficking to the list of offenses for which a license must be revoked or denied.
- Prohibits a school representative from assisting an individual in obtaining school employment if the representative has cause to believe the person has committed a sex offense involving a student.

Educator Standards Board:

- Adds a new State Board appointment: one person who represents community schools.
- Adds 2 appointments each for the Speaker of the House and President of the Senate.
- Permits, instead of requires, State Board to consider list of nominees from OFT and OEA when appointing teachers.

Other Legislative Updates:

House Bill 244

- Sponsored by Reps. Andrea White (R-Kettering) and Brian Lampton (R-Beavercreek).
- Allows military children to participate in technology-based education opportunities.
- Makes enrollment easier for students of active-duty families coming to Ohio.
- Prohibits public schools and universities from requiring vaccinations using a vaccine not approved by the FDA.

**Redistricting in Ohio**

Two Redistricting Processes:

- One for the Ohio General Assembly (House and Senate) and one for Congressional districts.
- State Board of Education districts are derived from the State Senate districts
- Both occur every 10 years, based on census data.
- We will focus today's discussion on General Assembly redistricting.

State Board Districts:

ORC 3301.01(B)(1) The territory of each state board of education district for each elected voting member of the board shall consist of the territory of three contiguous senate districts as established in the most recent apportionment for members of the general assembly [...]

Current Districts:

<u>SBOE District</u>	<u>Senate Districts</u>
1	1+12+6
2	2+11+13
3	4+5+6
4	7+8+9
5	22+24+27
6	15+16+19
7	18+28+32
8	29+30+33
9	3+20+31
10	10+14+17
11	21+23+25

Redistricting Ballot Issue New Approach for 2022:

- Ohio Bipartisan Redistricting Commission Amendment – Issue 1 – on the November 2015 ballot.
- Legislatively-referred constitutional amendment.
- Passed with 71.47% of the vote.

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### Ohio Constitution XI.01:

#### Ohio Redistricting Commission:

- Governor
- Auditor of State
- Secretary of State
- Appointee of Speaker of the House
- Appointee of Minority Leader of the House
- Appointee of Senate President
- Appointee of Minority Leader of the Senate

#### Selecting a District Plan:

- The Commission must propose a map and hold 3 public hearings.
- A vote on the map must be taken by September 1\*.
- If a plan is adopted with a bipartisan vote of at least 4 members, the plan goes into effect for the 2022 election cycle and remains in place for 10 years – until the next redistricting process.

\*NOTE: based on delay of census data, the dates indicated here (which are from the constitution) will need to adjust.

#### In Case of Impasse:

- If the Commission reaches an impasse and cannot adopt a plan with a bipartisan vote, a plan can be adopted by a simple majority by September 15\*.
- A plan adopted by a simple majority is in effect for 2 cycles of the House of Representatives (4 years).
  - After 4 years, the Commission must reconvene and adopt a new plan, which will be effective for 6 years.

#### Considerations for Creating Districts:

##### Mandatory:

- Contiguity
- Boundary is a single, nonintersecting, continuous line
- Prioritize keeping counties, municipal corporations, and townships whole
- Each Senate district consists of 3 contiguous House districts

##### Attempt:

- Plan does not primarily favor or disfavor a party
- Statewide proportion of districts favoring each party must correspond closely to statewide preferences of voters in the state
- Compactness

#### Legal Challenges:

- Ohio Supreme Court has exclusive, original jurisdiction to any challenges.
  - But court may not order implementation of a plan or order drawing a particular district.
- If the Commission's plan is ruled unconstitutional, it may amend or adopt a new plan.

#### State Board Districts:

- Pursuant to ORC 3301.01(B)(2), the legislature has until the end of the year to pass legislation defining new state board districts.
- If this doesn't happen, the Governor has until January 31 to make those designations.
- The new districts become effective on February 1.

#### State Board Districts:

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ORC 3301.01(B)(2) If, after the apportionment for members of the general assembly is made in any year, the general assembly does not during that year enact legislation establishing state board of education districts in accordance with division (B)(1) of this section, the governor shall designate the boundaries of the districts in accordance with division (B)(1) of this section no later than the thirty-first day of January of the year next succeeding such apportionment.

A slight wrinkle in the process:

- Usually, states receive data for redistricting from the Census Bureau by the end of March.
  - In a normal year, this should allow plenty of time for the Redistricting Commission to do its work.
- This year, due to COVID19, the US Census Bureau has announced that they will deliver data by August 16, 2021.
- Attorney General Yost filed a lawsuit to compel the Census Bureau to release data to the state for purposes of redistricting.

Additional Information:

- Legislative Service Commission Members Brief on Redistricting in Ohio
  - Additional details about Ohio General Assembly and Congressional Redistricting
  - Examples of district-drawing concepts like compactness

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Review of Written Reports and Items for Vote

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President Kohler recessed the Board meeting at 4:55 p.m.

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The Board's Budget Committee met beginning at 5:00 p.m.

Topics of discussion were:

- Review of Operating Components of ODE's Budget
- Recap of FY21 Spending

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**RECONVENE STATE BOARD BUSINESS MEETING**

President Kohler reconvened the Business meeting of the State Board of Education on Tuesday, July 13, at 9:00 a.m.

President Kohler asked the Recording Secretary to call the roll.

**YES VOTES**

Christina Collins  
Walter Davis  
Meryl Johnson

Stephen Dackin  
Kirsten Hill  
Jenny Kilgore



Laura Kohler  
Paul LaRue  
Charlotte McGuire  
Antoinette Miranda  
Eric Poklar  
Mike Toal

Mark Lamoncha  
Martha Manchester  
Tim Miller  
Michelle Newman  
Brendan Shea

Motion carried.

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## **Chapter 119 Hearing**

July 13, 2021  
9:00 a.m.

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

President Kohler stated the Board would proceed with the public hearing on the following rule actions: The amendments of OAC 3301-19-01 Definitions, OAC 3301-19-02 Purpose, and OAC 3301-19-03 Procedures for submitting data and presenting information.

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

Ms. Singh presented the following Board Exhibits:

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

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

President Kohler stated that testimony would be received, either orally or in writing, for or against, the amendment of the rules that are under consideration. Anyone who wished to testify must complete the registration sheet. All testimony would be limited to no more than five minutes. If additional time is needed, consideration would be given to a reasonable extension. Any written testimony would be marked as Group Exhibit 4.

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

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

There were no requests.

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

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

Mr. Poklar asked if the rules process could be reviewed to consider the issue of approving rules before the Chapter 119 process had taken place. He stated it seemed out of place to approve rules before the process was complete.

Mr. Shea stated he wanted to make a motion before Public Participation began. President Kohler responded motions like this would typically be made during New Business and asked Mr. Shea if his motion was directly related to Public Participation. He responded it was. President Kohler asked for a brief recess so that she, Ms. Sing and Mr. Shea could meet on the matter. At the conclusion of the recess, President Kohler stated that after consulting with legal counsel, she determined Mr. Shea's request was out of order at this time and would consider his motion at the appropriate time during the agenda.

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

- 1) Mrs. Beth Murdoch, Hilliard. Ms. Murdoch spoke to the Board regarding the importance of verbal communication and dialogue. A written copy of the testimony was provided.
- 2) Ms. Jocelyn Coppock, Medina. Ms. Coppock spoke to the Board in support of Board resolution Item 24, "Resolution Requesting Formal Opinion from the Ohio Attorney General." A written copy of the testimony was provided.
- 3) Mr. Mark Pukita, Dublin. Mr. Pukita spoke to the Board in opposition to the July 2020, Equity Resolution, and Item 24, "Resolution Requesting Formal Opinion from the Ohio Attorney General." A written copy of the testimony was provided.
- 4) Mr. Jeremy Cox. Mr. Cox spoke to the Board regarding Item 24, "Resolution Requesting Formal Opinion from the Ohio Attorney General" and the promotion of equality of opportunity. A written copy of the testimony was provided.
- 5) Ms. Karen Keefer. Ms. Keefer provided written testimony regarding Item 24, "Resolution Requesting Formal Opinion from the Ohio Attorney General."
- 6) Mr. Robert Owens. Mr. Owens provided written testimony in support of Item 24, "Resolution Requesting Formal Opinion from the Ohio Attorney General."

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

- 1) Ms. Lisa Woods, Medina. Ms. Woods spoke to the Board regarding the topic of “Priorities.” A written copy of the testimony was provided.
- 2) Ms. Dakota Sawyer, Medina Co. Ms. Sawyer provided written testimony to the Board in opposition to the Board’s July 2020, Equity Resolution.
- 3) Mrs. Deborah Witsaman, Brookpark. Mrs. Witsaman provided written testimony to the Board in opposition to Critical Race Theory (CRT), Social Emotional Learning (SEL), and Common Core.
- 4) Mrs. Dianne Nelson, Ashland. Mrs. Nelson provided written testimony to the Board in opposition to Critical Race Theory (CRT).
- 5) Mr. Evan Stuart, Ashland. Mr. Stuart provided written testimony to the Board regarding school issues and politics.
- 6) Ms. Julie Womack, Mason. Ms. Womack provided written testimony to the Board regarding education and race.

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

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

Mr. LaRue Seconded the motion.

The President called for a roll call vote.

#### **YES VOTES**

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

Motion carried.

The Board went into Executive Session and Quasi-Judicial discussion at 11:05 a.m.

The Board recessed from Executive Session and Quasi-Judicial discussion at 1:00 p.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, Poklar

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

- Leah Amstutz, Director, and Shell Nichols, Associate Director 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. Discussion included a review of the various adult diploma options available to Ohioans.
- Following discussion, the Committee voted 4-2 in favor of a resolution recommending approval of the proposed revised rule as presented. A resolution to adopt the revised rules will appear on the State Board's September 2021 voting agenda.

### **Ohio Assessments for Educators** (*Strategy 1*)

- Matt DiBartolomeo and Lisa Gawlick from the Evaluation Systems Group of Pearson Education provided committee members with information about the development process for Ohio's statewide educator licensure testing program, the Ohio Assessments for Educators (OAE). The OAE licensure assessments are designed to assess the content area and professional (pedagogical) knowledge of candidates seeking Ohio educator licensure.
- Committee members reviewed and discussed the information with Pearson staff. Pearson intends to present the annual review of passage rate data to the committee in September.
- Committee members requested copies of Pearson's presentation slides. The slides have been provided to committee members and are also posted online with the July Teaching, Leading and Learning committee materials.

### **OAC 3301-24-11 Alternative Principal License & OAC 3301-24-12 Alternative Superintendent License and Alternative Administrative Specialist License** (*Strategy 1 & 2*)

- Thomas McGee, Director of the Office of Educator Licensure, provided members with a review of and response to testimony that was received at the June Chapter 119 hearing on the five-year rule review of the *Alternative Principal License* (OAC 3301-24-11) and the *Alternative Superintendent License and Alternative Administrative Specialist License* (OAC 3301-24-12) rules.

- Mr. McGee noted that the Department intends to make procedural changes to strengthen the alternative administrative pathway including establish a process to verify eligibility for an alternative license that does not require a change in administrative code. This will allow an eligible applicant to be issued a statement of eligibility verifying to schools and districts that the applicant would be eligible to be granted an alternative license upon employment.
- Committee members reviewed and discussed the requirements in the proposed rules with Department staff. Mr. Poklar noted that the Department may wish to review Board and Agency requirements regarding Chapter 119 hearings to ensure efficiency in the rule review process.
- Following discussion, the Committee did not recommend any modifications to the rules as adopted by the State Board at their April 2021 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

### **Review: OAC Chapter 3301-16 Rules**

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

Four rules related to assessment and graduation were reviewed. 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

One public comment was received for 3301-16-06. It was discussed in committee and was not relevant to the specific rule.

**OAC Chapter 3301-16 Rule Review next steps:**

The rules were advanced by the committee for September 20th-21<sup>st</sup> full Board consideration.

**Career-Technical Planning District Report Card Overview:**

Shelby Robertson, Director, Office of Accountability, and Leah Amstutz, Director, Office of Career-Technical Education

- 1) Board Authority and status: Career-Technical Planning District Report Card
  - ORC 3302.033 directs the State Board of Education to approve a report card for career-technical education.
  - The current CTPD Report Card is aligned to the Ohio School Report Card, when possible, per State Board guidance.
  - A workgroup met through 2018 to adjust and calibrate measures on the report card.
- 2) Student populations
  - Concentrators: Secondary students who completed 2 Workforce Development (WFD) Program courses in a pathway
  - Concentrators Who Left: Secondary students who are no longer enrolled; some measures include this population as a 'look-back' at how the students performed in later experiences or opportunities, or how they performed after the full schooling experience.
- 3) Perkins V (Federal CTPD Legislation) recent updates
  - Changes in some definitions
  - Changes in the relationship between states and the US Dept. of Education
  - Updates to key processes, such as how state targets are set.
  - Changes to accountability measures
- 4) CTPD Report Card: Overall Grade and Components
  - CTPD Overall Grade
    - This is composed of four components: each of equal weight of 25 percent.
  - Achievement component
    - This component represents the number of students who pass Ohio state tests and the technical assessments that measure the skills and knowledge learned in a student's career-technical program.
  - Career & Post-Secondary Readiness component
    - This component looks at how well-prepared students are for future opportunities.
  - Graduation Component
    - This component looks at students who successfully finish high school within four or five years.
  - Post-Program Outcomes Component
    - This component measures the proportion of students who are employed, in an apprenticeship, join the military, or are enrolled in postsecondary education or advanced training in the six months after leaving school. Industry credentials measure the proportion of students earning industry credentials before they leave high school or in the first six months after leaving school.
- 5) Federal (Perkins) Performance Indicators
  - Work-Based Learning (WBL)
    - The percent of the 4yr graduation cohort that accumulated 250 or more WBL hours
    - Perkins IV and V concentrators from the 4yr grad cohort

- Non-traditional Program Enrollment -The non-traditional program enrollment indicator measures the percent of students enrolled in programs that are non-traditional for their gender
  - Programs are deemed non-traditional for a gender if they lead to a profession for which less than 25% of the field is comprised of that gender
  - Perkins V concentrators in the year
  - Non-traditional program designations listed in the CTE Program Matrix
- 6) Other Reported Measures
  - Enrollment
    - This is reported both as a headcount of students participating in Career-Technical Courses and as the number of students in each district participating in Career-Technical Courses
  - Financial Data
    - Information is provided on how much is spent on classroom instruction.
    - Comparisons on how much is spent by similar CTPDs are also available.

**Planning for Next Meeting:**

- Continued discussions on Ohio’s Accountability System and Report Cards
- Spring test data insights

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

Chair: Antoinette Miranda, Vice Chair: Steve Dackin

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

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

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

- Discuss: Strengthening Business and Education Partnerships: Business Advisory Councils
- Discuss: 3301-69-03 Medicaid School Component Administrative Costs
- Discuss: Supports for Schools and Districts: Regional Data Leads

**Strengthening Business and Education Partnerships: Business Advisory Councils – Cassie Palsgrove and Michelle Washington**

- Department staff discussed the importance of students gaining real world career experiences and how the Department and districts are building partnerships with businesses to help students with access to those experiences. Staff explained the requirements for districts in statute, who the members of business advisory councils are and what business advisory councils do.
- Staff asked committee member Miller to share his experiences with Akron’s business advisory council while he was a board member for the district. Committee member Dackin and board member Davis also shared their experiences with their local business advisory councils.
- Staff addressed questions from committee members regarding:
  - If districts can have their one business advisory council and also participate in the one set up by their educational service center
  - What happens if districts do not turn in a business advisory plan
  - If business advisory council membership is driven by the industries in demand in their regions

- How business advisory councils are funded
- If there is data that tracks student and employer interactions

**3301-69-03 Medicaid School Component Administrative Costs – Mark Smith and Brian Jones**

- Department staff reviewed the purpose of OAC 3301-69-03, the proposed change to the rule and the stakeholder engagement process. No public comments were received for this rule.

**Supports For Schools and Districts: Regional Data Leads – Aly DeAngelo and Educational Service Center presenters**

- Department staff introduced three regional data leads to the committee to discuss how districts are supported in their use of data. The regional data leads shared information about the training program and how districts can access the data leads' services. The regional data leads also explained the availability of checkpoint and benchmark assessments to provide real-time data to educators in order to adjust instruction for their students. They also shared how they are working around the missing data from the state assessment that was not administered due to the pandemic.
- Staff addressed questions from the committee regarding:
  - How the assessments were aligned to Ohio's curriculum standards
  - How many times could students take the benchmark assessment
  - If the services provided by regional data leads are available for free to districts
  - If the data from the benchmark and checkpoint assessments were aggregated at the district level
  - How the regional data leads are reconciling with the push to reduce standardization in assessments
  - If there is a regional data lead associated with every educational service center

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

Chair: Charlotte McGuire, Vice Chair: Jenny Kilgore

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

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

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

- Department staff continued the presentation on child nutrition programs from last month. Staff presented information on the U.S. Department of Agriculture funded National School Lunch and School Breakfast Programs. Staff presented on the impact of the nationwide waiver providing no cost meals to all students and the positive economic impact of the waiver and of the Pandemic Electronic-Benefits Transfer (P-EBT) program. Staff also discussed the Department's monitoring responsibilities for the school meal programs.
- Committee members discussed targeted eligibility versus the universal eligibility for the food programs during COVID-19, how decisions are made about what foods are served and serving meals in the classroom.
- The agenda item was discussion only, therefore, there was no action by the committee and the item is not scheduled for full board.



### **Supporting Students in Foster Care**

- The Every Student Succeeds Act calls for state education agencies and local school districts to develop and sustain systems to ensure students in foster care can maintain educational stability. In this presentation, department staff explained the education supports, rights and services entitled to students in foster care, as well as provided data and examples of collaboration from Ohio school districts and child welfare agencies as they work together to support our students. Statewide data shows that students in foster care have higher rates of chronic absenteeism and a lower graduation rate than students who are not in foster care. Forty-five percent of students in foster care have an individualized education program. Staff also discussed the importance of those teaching and providing services to students in foster care be aware of and use trauma informed practices and focus on the student's social-emotional learning.
- Committee member Meryl Johnson requested: 1) A link to the Ohio Model Best Interest Determination Form for students in foster care; 2) Information on how trauma-informed practices are being infused into the Positive Behavioral Interventions and Supports trainings and 3) Committee viewing of a video on trauma at a future meeting. Committee members expressed interest in additional data for students in foster care such as socio-economic status, why students are in foster care and a state county map showing the distribution of the students in foster care. The Department will connect with the Ohio Department of Job and Family Services, the agency who oversees most components of foster care, to determine what data are available.
- The agenda item was discussion only, therefore, there was no action by the committee and the item is not scheduled for full board.

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

Chair: Mike Toal

Mr. Toal gave a report from the Budget Committee meeting focusing on the following issues:

**Members Present:** Toal (Chair), Kilgore, Miller, Shea, and McGuire.

**Other Board Members Present:** Davis

#### **Review of Operating Components of ODE's Budget and Recap of FY21**

##### **Spending:**

- Aaron Rausch, Director, Office of Budget and School Funding, reviewed the non-subsidy components of the Department of Education's budget and reviewed spending for the fiscal year that ended June 30, 2021. This was the third and final part, with the Committee having previously reviewed the state and federal subsidy components of the budget.
- Of the \$13.89 billion all funds budget in FY21, \$215.7 was allotted to non-subsidy/operating expenditures. Following executive ordered budget reductions of \$10.6 million, approximately \$187.5 million of the remaining \$205 million was spent. This comprises costs associated with staff, contracts, supplies and materials, and equipment, with unspent operating funds primarily occurring in non-GRF and federal lines.
- Typically – the Department's operating/non-subsidy budget is approximately 2% of the total budget. With the influx of federal COVID relief funds, the non-subsidy budget dropped to approximately 1.55% in FY21.
- Like the subsidy funds from both state and federal sources, the use of operating funds is specifically directed by the General Assembly through the enabling budget language or by federal law.
- Committee members discussed the various operating lines and requested additional staffing and budget detail.

**Discussion for future Meetings**

- Mr. Toal solicited feedback from Committee members on topics for future consideration, the role of the Committee, and how the Committee can best inform the next state board budget process, which will begin no later than July, 2022. Committee members were asked to share their thoughts and ideas with Mr. Toal and Mr. Rausch in advance of the September committee meeting.

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**BOARD PRESENTATIONS AND DISCUSSION FROM THE EACH CHILD MEANS EACH CHILD GUIDING COALITION**

Board Member: Dr. Antoinette Miranda

Dr. Miranda gave a report from the Each Child Means Each Child Coalition meeting focusing on the following issues:

**Date of Meeting:** June 25, 2021

In 2020, the Guiding Coalition was established to advise the Department's Office for Exceptional Children in the development of a five-year implementation plan for operationalizing *Each Child Means Each Child*, a roadmap for improving learning experiences and outcomes for students with disabilities. The Guiding Coalition is made up of members who have expertise within their organizations and the larger education arena to contribute to shaping change efforts.

There were two main objectives of this session. The first was to consider the role of the Office for Exceptional Children and the Guiding Coalition in advancing focused work to improve the capacity of Ohio's education system to support each child. The second was to identify, discuss and provide feedback on implementation activities in each of the major focus areas: multi-tiered systems of support, professional development, and post-secondary outcomes.

We also reviewed the special education indicators required by Ohio's State Systemic Improvement Plan and the essential questions Ohio must address:

- Are young children with disabilities entering kindergarten ready to learn?
- Are children with disabilities achieving at high levels?
- Are youth with disabilities prepared for life, work, and postsecondary education?
- Does the district implement the Individuals with Disabilities Education Act to improve services and results for children with disabilities?
- Are children receiving equitable services and supports?

The next Guiding Coalition meeting is scheduled for September 28.

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

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

President Kohler presented the following recommendations (Items 1-3) on the Consent Agenda:

- 1. RESOLUTION TO ACCEPT THE PERMANENT VOLUNTARY SURRENDER AND DENIAL OF LICENSES FORM SIGNED BY JORY D. BROWN 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 Jory D. Brown has applied for and/or has been issued a license, permit, or certificate by the Ohio Department of Education; and

WHEREAS on May 24, 2021, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Jory D. Brown 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. Brown's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

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

WHEREAS Jory D. Brown 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** Jory D. Brown'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. Brown'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 Jory D. Brown 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. Brown of this action.

- 2. RESOLUTION TO ACCEPT THE PERMANENT VOLUNTARY SURRENDER AND DENIAL OF LICENSES FORM SIGNED BY KEITH A. EUBANKS 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 Keith A. Eubanks has applied for and/or has been issued a license, permit, or certificate by the Ohio Department of Education; and

WHEREAS on June 1, 2021, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Keith A. Eubanks 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. Eubanks' decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.31; and

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

WHEREAS Keith A. Eubanks 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** Keith A. Eubanks'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. Eubanks' 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 Keith A. Eubanks 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. Eubanks of this action.

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

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

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

WHEREAS on May 26, 2021, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Heidi M.

Johnson that authorizes the State Board of Education to enter an order permanently revoking all of her current and previously held licenses, permits, and certificates and permanently denying any pending applications that she has submitted for a license, permit, or certificate based upon Ms. Johnson's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

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

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and Ohio Revised Code 3319.311(F), hereby **REVOKES** Heidi M. Johnson's current and any previously held licenses, permits, and certificates and **DENIES** any pending applications that she has submitted for a license, permit, or certificate based upon Ms. Johnson'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 Heidi M. Johnson 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. Johnson of this action.

It was Moved by Mr. Hagan and Seconded by Mrs. Manchester that the Consent Agenda (Items 1-3) be approved.

President Kohler called for a roll call vote.

YES VOTES

Christina Collins  
Walter Davis  
John Hagan  
Meryl Johnson  
Laura Kohler  
Martha Manchester  
Tim Miller  
Michelle Newman  
Brendan Shea

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

Motion carried.

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Mrs. Manchester presented the following recommendation (Item 4):

**4. RESOLUTION TO ADOPT CHANGES TO OHIO ADMINISTRATIVE RULES 3301-24-16 / SENIOR PROFESSIONAL EDUCATOR LICENSE AND 3301-24-17 / LEAD PROFESSIONAL EDUCATOR LICENSE**

The State Board of Education (“Board”) hereby **ADOPTS** changes to Ohio Administrative Code (OAC) 3301-24-16 / Senior Professional Educator License and 3301-24-17 / Lead Professional Educator License 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 requires the Board to issue a senior professional educator license, which shall be valid for five years and shall be renewable;

ORC 3319.22 requires the Board to issue a lead professional educator license, which shall be valid for five years and shall be renewable;

Changes to these rules are meant to better align the rules with the language in OAC 3301-24-01, remove obsolete language, and provide greater clarity;

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Board adopts changes to OAC 3301-24-16 / Senior Professional Educator License and OAC 3301-24-17 / Lead Professional Educator License in the form attached hereto;

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

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

It was Moved by Mrs. Manchester that the above recommendation (Item 4) be approved.

President Kohler called for a roll call vote.

Mrs. Fessler stated she did not receive this rule in the mail and would abstain from voting.

**YES VOTES**

Christina Collins  
Walter Davis

Stephen Dackin  
John Hagan

Kirsten Hill  
Jenny Kilgore  
Paul LaRue  
Charlotte McGuire  
Antoinette Miranda  
Eric Poklar  
Mike Toal

Meryl Johnson  
Laura Kohler  
Martha Manchester  
Tim Miller  
Michelle Newman  
Brendan Shea

ABSTAIN

Diana Fessler

Motion carried.

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Mrs. McGuire presented the following recommendation (Item 5):

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

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

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

The Board previously adopted OAC 3301-32-06.1 and OAC 3301-37-03.1, as emergency rules to align to the requirements of OAC 5101:2-12-02.2 and OAC 5101:2-12-02.3, emergency rules adopted by ODJFS related to COVID-19 mitigation requirements and temporary school-age childcare licenses, respectively;

Effective June 18, 2021, Governor DeWine lifted the state of emergency that had been issued in response to the COVID-19 pandemic;

ODJFS has informed the Department of Education that ODJFS is in the process of rescinding its emergency rules;

Because the rules applied only during the state of emergency, the Department recommends that the Board rescind OAC 3301-32-06.1 and OAC 3301-37-03.1.

NOW, THEREFORE, BE IT RESOLVED, the Board approves the rescission of OAC 3301-32-06.1 / Pandemic Requirements for a Licensed School Child Program and OAC 3301-37.03.1 / Pandemic Requirements for a Licensed Child Day-Care Program.

FURTHER RESOLVED, that the Superintendent of Public Instruction or his designee be, and hereby is, directed to file the rules with the proper agencies, and

the same be made available upon request, without charge, to all persons affected by said rules.

It was Moved by Mrs. McGuire and Seconded by Mr. Shea that the above recommendation (Item 5) be approved.

President Kohler called for a roll call vote.

YES VOTES

Christina Collins  
Walter Davis  
John Hagan  
Meryl Johnson  
Laura Kohler  
Martha Manchester  
Tim Miller  
Michelle Newman  
Brendan Shea

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

Motion carried.

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

**6. RESOLUTION TO ADOPT CHANGES TO OHIO ADMINISTRATIVE RULE 3301-56-01 / SCHOOL DISTRICT AND BUILDING IMPROVEMENT, SUPPORTS, AND INTERVENTIONS**

The State Board of Education (“Board”) hereby **ADOPTS** changes to Ohio Administrative Code (OAC) 3301-56-01 / School District and Building Improvement, Supports, and Interventions 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 3302.04 details the requirements for schools and districts to develop a three-year continuous improvement plan when the Department notifies the district of the following: 1) the district is in academic emergency, 2) the district is in academic watch, or 3) the district is in need of continuous improvement supports. ORC 3302.04(I) requires the Board to adopt rules implementing the requirements of ORC 3302.04.

This rule has been amended to add references and a link to Ohio’s Consolidated State Plan under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA) and to provide clarity throughout the rule;

The Emerging Issues and Operational Standards Committee recommended adoption of the rule in the form attached hereto at its June 2021 meeting.



NOW, THEREFORE, BE IT RESOLVED, that the Board adopts changes to OAC 3301-56-01 / School District and Building Improvement, Supports, and Interventions 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 Dr. Miranda that the above recommendation (Item 6) be approved.

President Kohler called for a roll call vote.

YES VOTES

Christina Collins  
Walter Davis  
Kirsten Hill  
Jenny Kilgore  
Paul LaRue  
Charlotte McGuire  
Antoinette Miranda  
Eric Poklar  
Mike Toal

Stephen Dackin  
John Hagan  
Meryl Johnson  
Laura Kohler  
Martha Manchester  
Tim Miller  
Michelle Newman  
Brendan Shea

NO VOTES

Diana Fessler

Motion carried.

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

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

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

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

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

WHEREAS on May 27, 2021, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Judit Kiss that authorizes the State Board of Education to enter an order permanently revoking all of her current and previously held licenses, permits, and certificates and permanently denying any pending applications that she has submitted for a license, permit, or certificate based upon Ms. Kiss's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.31; and

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

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and Ohio Revised Code 3319.311(F), hereby **REVOKES** Judit Kiss's current and any previously held licenses, permits, and certificates and **DENIES** any pending applications that she has submitted for a license, permit, or certificate based upon Ms. Kiss'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 Judit Kiss 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. Kiss of this action.

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

President Kohler called for a roll call vote.

YES VOTES

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

ABSTAIN

Charlotte McGuire

Motion carried.

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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 PERMANENTLY THE ONE-YEAR EDUCATIONAL AIDE PERMIT OF JAMES K. ALEXANDER**

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

WHEREAS James K. Alexander held a one-year educational aide permit issued in 2016; and

WHEREAS on June 24, 2020, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified James K. Alexander of its intent to determine whether to limit, suspend, revoke, or permanently revoke his one-year educational aide permit issued in 2016 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Alexander engaging in conduct unbecoming to the teaching profession on or about November 3, 2016, when he engaged in a physical altercation with a student, specifically, he tackled the student, grabbed the student by or around the neck area, threw the student to the ground, and held the student down. Further, the notice included the following aggravating factors: on or about August 22, 2016, Mr. Alexander received a verbal warning for smoking outside the building when he was meant to be supervising students in the cafeteria; on or about November 9, 2015, Mr. Alexander received a verbal warning when he argued the terms of discipline for students with a member of school administration; and on or about January 14, 2014, Mr. Alexander entered a Last Chance Agreement with the Cincinnati Public School District when he brought a knife to school and showed it to a student; and

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

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

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

WHEREAS the hearing officer recommends that Mr. Alexander's permit be revoked and that he be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education. The hearing officer's recommendation is based upon Mr. Alexander using excessive physical force by tackling a student, grabbing the student by or around the neck area, throwing the student to the floor, and holding the student down, in addition to his prior discipline of two verbal warnings and a Last Chance Agreement that demonstrate Mr. Alexander's serious lack of responsibility and lapse of judgment in his supervision of students, and whose continued licensure will negatively impact the

health, safety, or welfare of the school community and/or statewide education 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** James K. Alexander's one-year educational aide permit issued in 2016 based upon Mr. Alexander engaging in conduct unbecoming to the teaching profession on or about November 3, 2016, when he engaged in a physical altercation with a student, specifically, he tackled the student, grabbed the student by or around the neck area, threw the student to the ground, and held the student down. Pursuant to Ohio Administrative Code Rule 3301-73-21(B), the State Board of Education further considers in aggravation that on or about August 22, 2016, Mr. Alexander received a verbal warning for smoking outside the building when he was meant to be supervising students in the cafeteria; on or about November 9, 2015, Mr. Alexander received a verbal warning when he argued the terms of discipline for students with a member of school administration; and on or about January 14, 2014, Mr. Alexander entered a Last Chance Agreement with the Cincinnati Public School District when he brought a knife to school and showed it to a student. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders James K. Alexander 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. Alexander of this action.

It was Moved by Mr. Miller and Seconded by Mr. Poklar that the above recommendation (Item 8) be approved.

President Kohler called for a roll call vote.

YES VOTES

Christina Collins  
Walter Davis  
John Hagan  
Meryl Johnson  
Laura Kohler  
Martha Manchester  
Tim Miller  
Michelle Newman  
Brendan Shea

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

Motion carried.

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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 REVOKE PERMANENTLY THE FOUR-YEAR EDUCATIONAL AIDE PERMIT OF WILLIAM C. ANDERSON**

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

WHEREAS William C. Anderson holds a four-year educational aide permit issued in 2017; and

WHEREAS on December 2, 2019, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified William C. Anderson of its intent to determine whether to limit, suspend, revoke, or permanently revoke his four-year educational aide permit issued in 2017 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Anderson engaging in conduct unbecoming to the teaching profession on or about, but not limited to 2017, while employed with the St. Bernard-Elmwood Place City School District, when he failed to maintain appropriate student-teacher boundaries with a student (Student 1), including but not limited to the following: asking Student 1, while at school, if Student 1 smoked or drank; and communicating with Student 1 via Facebook and/or text message communications after having been previously directed to refrain from having such communications by the superintendent of the school district, with the communications including but not limited to, asking Student 1 if Student 1 wanted to smoke or drink with him, offering to give Student 1 a ride to Mr. Anderson's house, and asking Student 1 if Student 1 could spend the night at Mr. Anderson's house. Further, the notice included the following aggravating factors: on or about Saturday, January 10, 2015, at 8:31 p.m., while employed with the St. Bernard-Elmwood Place City School District, Mr. Anderson entered into a Facebook conversation with a student (Student 2) and during this conversation, he asked Student 2 personal question, such as "what r u up to?", if someone was Student 2's "girl", and where Student 2 lived, and Mr. Anderson was subsequently directed to refrain from having social media contact with any students by the superintendent of the school district; and on or about December 9, 2009, Mr. Anderson was disciplined by the State Board of Education of Ohio when he was issued a Letter of Admonishment for a 2009 disorderly conduct conviction and for his failure to indicate said conviction on an application submitted to the Ohio Department of Education; and

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

WHEREAS the hearing officer recommends that Mr. Anderson's permit be revoked and that he be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education. The hearing officer's

recommendation is based upon the following: the extremely serious nature of Mr. Anderson's ongoing inability to maintain appropriate boundaries with his students; that Mr. Anderson's denial that his solicitation of students was a problem, even when it was pointed out to him and made a condition of his employment; his age, approximately fifty years-old, at the time he sought this level of involvement with young and impressionable students; and that Mr. Anderson's licensure will negatively impact the health, safety, or welfare of the school community and/or statewide education 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** William C. Anderson's four-year educational aide permit issued in 2017 based upon Mr. Anderson engaging in conduct unbecoming to the teaching profession on or about, but not limited to 2017, while employed with the St. Bernard-Elmwood Place City School District, when he failed to maintain appropriate student-teacher boundaries with a student (Student 1), including but not limited to the following: asking Student 1, while at school, if Student 1 smoked or drank; and communicating with Student 1 via Facebook and/or text message communications after having been previously directed to refrain from having such communications by the superintendent of the school district, with the communications including but not limited to, asking Student 1 if Student 1 wanted to smoke or drink with him, offering to give Student 1 a ride to Mr. Anderson's house, and asking Student 1 if Student 1 could spend the night at Mr. Anderson's house. Pursuant to Ohio Administrative Code Rule 3301-73-21(B), the State Board of Education further considers in aggravation that on or about Saturday, January 10, 2015, at 8:31 p.m., while employed with the St. Bernard-Elmwood Place City School District, Mr. Anderson entered into a Facebook conversation with a student (Student 2) and during this conversation, he asked Student 2 personal question, such as "what r u up to?", if someone was Student 2's "girl", and where Student 2 lived, and Mr. Anderson was subsequently directed to refrain from having social media contact with any students by the superintendent of the school district; and on or about December 9, 2009, Mr. Anderson was disciplined by the State Board of Education of Ohio when he was issued a Letter of Admonishment for a 2009 disorderly conduct conviction and for his failure to indicate said conviction on an application submitted to the Ohio Department of Education. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders William C. Anderson 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. Anderson of this action.

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

President Kohler called for a roll call vote.

YES VOTES

Christina Collins  
Walter Davis  
John Hagan  
Meryl Johnson  
Laura Kohler  
Martha Manchester  
Tim Miller  
Michelle Newman  
Brendan Shea

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

Motion carried.

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

**10. RESOLUTION TO REVOKE THE THREE-YEAR PUPIL ACTIVITY PERMIT OF JOHN D. COX IV**

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

WHEREAS John D. Cox IV held a three-year pupil activity permit issued in 2017; and

WHEREAS on April 14, 2021, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified John D. Cox IV 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) and (B)(3). The notice was based upon Mr. Cox's 2020 conviction in the Cambridge Municipal Court for one misdemeanor count of operating a vehicle under the influence of alcohol or drugs (OVI), and 2020 plea of guilty in the Tuscarawas County Court of Common Pleas to one felony count of aggravated possession of drugs and one misdemeanor count of illegal use or possession of drug paraphernalia and his subsequent entry into the court's intervention in lieu of conviction program; and

WHEREAS the notice informed Mr. Cox 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 John D. Cox IV 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 Cambridge

Municipal Court and the Tuscarawas County Court of Common Pleas, and police records from the Ohio State Highway Patrol; 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)(3), hereby **REVOKES** John D. Cox IV's three-year pupil activity permit issued in 2017 based upon Mr. Cox's 2020 conviction in the Cambridge Municipal Court for one misdemeanor count of operating a vehicle under the influence of alcohol or drugs (OVI), and 2020 plea of guilty in the Tuscarawas County Court of Common Pleas to one felony count of aggravated possession of drugs and one misdemeanor count of illegal use or possession of drug paraphernalia and his subsequent entry into the court's intervention in lieu of conviction program. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that John D. Cox IV be ineligible to apply for any license, permit, or certificate issued by the State Board of Education until on or after July 13, 2026 and upon reapplication, he must provide 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 must also provide written verification to the Ohio Department of Education of either ongoing treatment or proof of sobriety; and, Be It Further

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

It was Moved by Ms. Johnson and Seconded by Mr. LaRue that the above recommendation (Item 10) be approved.

President Kohler called for a roll call vote.

YES VOTES

Christina Collins  
Walter Davis  
John Hagan  
Meryl Johnson  
Laura Kohler  
Martha Manchester  
Tim Miller

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



Michelle Newman  
Brendan Shea

Eric Poklar  
Mike Toal

Motion carried.

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Aaron Ross, Director, Office of Professional Conduct, presented the following recommendation (Item 11):

**11. RESOLUTION TO REVOKE PERMANENTLY THE FIVE-YEAR  
SUBSTITUTE CAREER TECHNICAL TEACHING LICENSE OF ANGELA  
S. ERWIN**

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

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

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

WHEREAS the notice informed Ms. Erwin that if she fails within thirty days to request a hearing in accordance with Section 119.07 of the Ohio Revised Code, the State Board of Education will proceed to determine whether to limit, suspend, revoke, or permanently revoke her five-year substitute career technical teaching license issued in 2018 with an effective year of 2017; and

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

WHEREAS 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 Napoleon Municipal Court, and certified police records from the Henry County Sheriff's Office; and

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

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Angela S. Erwin's five-year substitute career technical teaching license issued in 2018 with an effective year of 2017 based upon Ms. Erwin's 2020 conviction in the Napoleon Municipal Court for one misdemeanor count of disorderly conduct stemming from an incident in which she was originally charged with domestic violence following allegations that she struck her minor daughter in the side of the head, pulled her to the ground by her hair, and kicked her about the legs and stomach. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders that Angela S. Erwin 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. Erwin of this action.

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

President Kohler called for a roll call vote.

YES VOTES

Christina Collins  
Walter Davis  
John Hagan  
Meryl Johnson  
Laura Kohler  
Martha Manchester  
Tim Miller  
Michelle Newman  
Brendan Shea

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

Motion carried.

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

12. **RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE THE FIVE-YEAR PROFESSIONAL ELEMENTARY TEACHING LICENSE OF ROBERT E. JEFFERSON**

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

WHEREAS Robert E. Jefferson holds a five-year professional elementary teaching license issued in 2018; and

WHEREAS on June 23, 2020, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Robert E. Jefferson of its intent to determine whether to limit, suspend, revoke, or permanently revoke his five-year professional elementary teaching license issued in 2018 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Jefferson engaging in conduct that is unbecoming to the teaching profession on or about March 6, 2019, when he made disparaging and harassing comments to and/or about a student and engaged in an inappropriate physical interaction with the student including, but not limited to, Mr. Jefferson making fun of the student's basketball abilities; saying to the student's coach, "Coach, I thought this was your varsity team, not your Special Olympics team"; and pushing the student, including pushing on or around the head and/or neck area. Further, the notice included as an aggravating factor that Mr. Jefferson was previously warned by an administrator and a hearing officer of the Columbus City School District about failing to conduct himself in an appropriate and professional manner with the warnings including the following: on or about February 28, 2018, Mr. Jefferson was issued a summary of conference regarding an allegation of touching a female student's hair, and was asked to refrain from touching any of his students' hair and/or conducting himself in a manner that can be deemed inappropriate, i.e., "playing around"; on or about December 19, 2017, Mr. Jefferson was issued a summary of conference regarding an allegation that he told a female colleague that he was "coming for [her] throat", and was advised of his responsibility as a teacher to behave in a professional manner; and on or about May 11, 2009, Mr. Jefferson was issued a letter of direction regarding reports that he demonstrated inappropriate and unprofessional conduct while providing instruction, and he was directed to be most sensitive in all verbal and nonverbal conduct with his relationships with students; and

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

WHEREAS a hearing was held on March 4, 2021; and

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

WHEREAS the hearing officer recommends that Mr. Jefferson's license be revoked and that he not be permitted to reapply for a period of three years, provided that he completes eight hours of professionalism training and four hours of sensitivity training. The hearing officer's recommendation is based upon Mr. Jefferson engaging in conduct that is unbecoming to the teaching profession when he failed to maintain a professional relationship with a student by disparaging the student and having an inappropriate physical altercation with the student, even though Mr. Jefferson had previously received three warnings about maintaining his professionalism with both students and colleagues; 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** Robert E. Jefferson's five-year professional elementary teaching license issued in 2018 based upon Mr. Jefferson engaging in conduct that is unbecoming to the teaching profession on or about March 6, 2019, when he made disparaging and harassing comments to and/or about a student and engaged in an inappropriate physical interaction with the student including, but not limited to, Mr. Jefferson making fun of the student's basketball abilities; saying to the student's coach, "Coach, I thought this was your varsity team, not your Special Olympics team"; and pushing the student, including pushing on or around the head and/or neck area. Pursuant to Ohio Administrative Code Rule 3301-73-21(B), the State Board of Education further considers in aggravation that Mr. Jefferson was previously warned by an administrator and a hearing officer of the Columbus City School District about failing to conduct himself in an appropriate and professional manner with the warnings including the following: on or about February 28, 2018, Mr. Jefferson was issued a summary of conference regarding an allegation of touching a female student's hair, and was asked to refrain from touching any of his students' hair and/or conducting himself in a manner that can be deemed inappropriate, i.e., "playing around"; on or about December 19, 2017, Mr. Jefferson was issued a summary of conference regarding an allegation that he told a female colleague that he was "coming for [her] throat", and was advised of his responsibility as a teacher to behave in a professional manner; and on or about May 11, 2009, Mr. Jefferson was issued a letter of direction regarding reports that he demonstrated inappropriate and unprofessional conduct while providing instruction, and he was directed to be most sensitive in all verbal and nonverbal conduct with his relationships with students. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that Robert E. Jefferson be ineligible to reapply for any license, permit, or certificate issued by the State Board of Education until on or after July 13, 2024, and upon reapplication, he must submit written verification to the Ohio Department of Education that he has completed, at his own expense, eight hours of training in professionalism and four hours of training in sensitivity, 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 Mr. Jefferson of this action.

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

President Kohler called for a roll call vote.

YES VOTES

Christina Collins  
Diana Fessler  
Kirsten Hill  
Jenny Kilgore

Walter Davis  
John Hagan  
Meryl Johnson  
Laura Kohler

Paul LaRue  
Charlotte McGuire  
Antoinette Miranda  
Eric Poklar  
Mike Toal

Martha Manchester  
Tim Miller  
Michelle Newman  
Brendan Shea

Motion carried.

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

- 13. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO DENY PERMANENTLY THE ONE-YEAR SUBSTITUTE INTERVENTION SPECIALIST TEACHING LICENSE AND FIVE-YEAR PROFESSIONAL INTERVENTION SPECIALIST TEACHING LICENSE APPLICATIONS AND TO PERMANENTLY REVOKE THE FIVE-YEAR PROFESSIONAL INTERVENTION SPECIALIST TEACHING LICENSE AND THREE-YEAR PUPIL ACTIVITY PERMIT OF CATINA C. MITCHELL**

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

WHEREAS Catina C. Mitchell has applied for a one-year substitute intervention specialist teaching license and five-year professional intervention specialist teaching license and held a five-year professional intervention specialist teaching license issued in 2012 and three-year pupil activity permit issued in 2012; and

WHEREAS on January 15, 2020, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Catina C. Mitchell of its intent to deny or permanently deny her application for a one-year substitute intervention specialist teaching license and five-year professional intervention specialist teaching license and whether to limit, suspend, revoke, or permanently revoke her five-year professional intervention specialist teaching license issued in 2012 and three-year pupil activity permit issued in 2012 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Mitchell engaging in conduct that was incompetent, negligent, and/or unbecoming to the teaching profession as follows: during the 2013 summer program at the Mansfield Alternative Learning Center, Ms. Mitchell made numerous changes to students' PLATO gradebooks and/or permitted others to make changes to students' PLATO gradebooks using her login credentials and these identified changes included: mastery status, exempt status, and/or score changes for up to thirty-one students and the changes were made without district permission, without conforming to PLATO guidelines, and without maintaining accurate records; and during the 2013 summer program through August 20, 2013, Ms. Mitchell misused her position as an educator in the Mansfield City School District by changing grades for a student, including making changes several weeks following the conclusion of the summer program; and

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

WHEREAS a hearing was held on January 15, 2021; and

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

WHEREAS the hearing officer recommends that Ms. Mitchell's applications be denied, her license and permit 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. Mitchell engaging in serious misconduct that is unbecoming to the teaching profession, involving an extensive pattern of falsifying student grades that extended over a period of several months and affected over thirty-two students, undermining their ability to learn the subject matter they were being taught and instead sending the message that cheating was acceptable; 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** Catina C. Mitchell's applications for a one-year substitute intervention specialist teaching license and five-year professional intervention specialist teaching license and **REVOKES** her five-year professional intervention specialist teaching license issued in 2012 and three-year pupil activity permit issued in 2012 based upon Ms. Mitchell engaging in conduct that was incompetent, negligent, and/or unbecoming to the teaching profession as follows: during the 2013 summer program at the Mansfield Alternative Learning Center, Ms. Mitchell made numerous changes to students' PLATO gradebooks and/or permitted others to make changes to students' PLATO gradebooks using her login credentials and these identified changes included: mastery status, exempt status, and/or score changes for up to thirty-one students and the changes were made without district permission, without conforming to PLATO guidelines, and without maintaining accurate records; and during the 2013 summer program through August 20, 2013, Ms. Mitchell misused her position as an educator in the Mansfield City School District by changing grades for a student, including making changes several weeks following the conclusion of the summer program. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders Catina C. Mitchell 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. Mitchell of this action.

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

President Kohler called for a roll call vote.

YES VOTES

Christina Collins  
Diana Fessler  
Kirsten Hill  
Jenny Kilgore  
Paul LaRue  
Charlotte McGuire  
Antoinette Miranda  
Eric Poklar  
Mike Toal

Walter Davis  
John Hagan  
Meryl Johnson  
Laura Kohler  
Martha Manchester  
Tim Miller  
Michelle Newman  
Brendan Shea

Motion carried.

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

**14. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE PERMANENTLY THE FIVE-YEAR PROFESSIONAL MULTI AGE TEACHING LICENSE OF CHARLES H. RATCLIFF**

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

WHEREAS Charles H. Ratcliff holds a five-year professional multi age teaching license issued in 2019; and

WHEREAS on August 21, 2020, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Charles H. Ratcliff of its intent to determine whether to limit, suspend, revoke, or permanently revoke his five-year professional multi age teaching license issued in 2019 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Ratcliff engaging in conduct that is unbecoming to the teaching profession on or about January 2018 through January 2019, when he failed to maintain appropriate boundaries with a student, including Mr. Ratcliff excessively communicating with the student via Facebook Messenger, sometimes late at night/early in the morning and/or on weekends, with some of the communications being inappropriate in nature and culminating in Mr. Ratcliff sending a picture of a penis to the student; and

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

WHEREAS a hearing was held on March 11, 2021; and

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

WHEREAS the hearing officer recommends that Mr. Ratcliff'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. Ratcliff engaging in conduct that is unbecoming to the teaching profession when he engaged in a wholly inappropriate online relationship with a student that involved an excessive number of messages, often sent at inappropriate times, that were unrelated to school matters and included sexual and personal information, and ultimately culminated in Mr. Ratcliff sending a picture of his penis to the student; and

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Charles H. Ratcliff's five-year professional multi age teaching license issued in 2019 based upon Mr. Ratcliff engaging in conduct that is unbecoming to the teaching profession on or about January 2018 through January 2019, when he failed to maintain appropriate boundaries with a student, including Mr. Ratcliff excessively communicating with the student via Facebook Messenger, sometimes late at night/early in the morning and/or on weekends, with some of the communications being inappropriate in nature and culminating in Mr. Ratcliff sending a picture of a penis to the student. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Charles H. Ratcliff 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. Ratcliff of this action.

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

President Kohler called for a roll call vote.

YES VOTES

Christina Collins  
Walter Davis  
John Hagan  
Meryl Johnson  
Laura Kohler  
Martha Manchester  
Tim Miller  
Michelle Newman  
Brendan Shea

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

Motion carried.



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

**15. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE THE ONE-YEAR EDUCATIONAL AIDE PERMIT OF PATRICIA RATCLIFF**

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

WHEREAS Patricia Ratcliff held a one-year educational aide permit issued in 2016; and

WHEREAS on December 11, 2019, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Patricia Ratcliff of its intent to determine whether to limit, suspend, revoke, or permanently revoke her one-year educational aide permit issued in 2016 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Ratcliff engaging in conduct unbecoming to the teaching profession on or about March 22, 2017, when she failed to provide appropriate supervision of a student, specifically, when the student was seated in a chair, Ms. Ratcliff inappropriately restrained the student by wrapping a blanket around the student's midsection and tying the student's shoestrings to a chair; and

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

WHEREAS a hearing was held on March 26, 2021; and

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

WHEREAS the hearing officer recommends that Ms. Ratcliff's permit be revoked and that she not be permitted to reapply for a license, permit, or certificate issued by the State Board of Education for a period of two years, provided that she completes eight hours of non-physical intervention training, eight hours of classroom management training, and four hours of professionalism training. The hearing officer further recommends that upon being issued a license, permit, or certificate by the State Board of Education, Ms. Ratcliff complete one year of administrative reporting with the Ohio Department of Education. The hearing officer's recommendation is based upon the following: Ms. Ratcliff exhibiting poor decision-making skills and acting inappropriately when she tied an emotionally fragile student to a chair; Ms. Ratcliff not fully understanding the effects of her actions and her being required to have additional guidance because of her behavior; and that her immediate licensure would have a negative impact on the local education and/or state-wide education 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** Patricia Ratcliff's one-year educational aide permit issued in 2016 based upon Ms. Ratcliff engaging in conduct unbecoming to the teaching profession on or about March 22, 2017, when she failed to provide appropriate supervision of a student, specifically, when the student was seated in a chair, Ms. Ratcliff inappropriately restrained the student by wrapping a blanket around the student's midsection and tying the student's shoestring to a chair. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that Patricia Ratcliff be ineligible to reapply for any license, permit, or certificate issued by the State Board of Education Ms. Ratcliff be ineligible to reapply for any license, permit, or certificate issued by the State Board of Education until on or after July 13, 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 non-physical intervention training, eight hours of classroom management training, and four hours of professionalism training, with all training to be approved in advance by the Ohio Department of Education. Further, upon being issued a license, permit, or certificate by the State Board of Education, Ms. Ratcliff shall complete one year of administrative reporting with 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 Ms. Ratcliff's permit. Further, if said terms and conditions have not been fulfilled completely upon Ms. Ratcliff applying for a new license, permit, or certificate, the State Board of Education directs the Ohio Department of Education to evaluate any new application in accordance with its orders and ensure all outstanding terms and conditions are addressed; and, Be It Further

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

It was Moved by Mrs. Fessler and Seconded by Mrs. Manchester that the above recommendation (Item 15) be approved.

President Kohler called for a roll call vote.

YES VOTES

Christina Collins  
Walter Davis  
John Hagan  
Meryl Johnson  
Laura Kohler  
Martha Manchester  
Tim Miller  
Michelle Newman  
Brendan Shea

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

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 REVOKE THE FIVE-YEAR PROFESSIONAL ADOLESCENCE TO YOUNG ADULT TEACHING LICENSE AND FIVE-YEAR PUPIL ACTIVITY PERMIT OF DANIEL S. SPENCER**

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

WHEREAS Daniel S. Spencer holds a five-year professional adolescence to young adult teaching license issued in 2017 and five-year pupil activity permit issued in 2017; and

WHEREAS on March 6, 2020, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Daniel S. Spencer of its intent to determine whether to limit, suspend, revoke, or permanently revoke his five-year professional adolescence to young adult teaching license issued in 2017 and five-year pupil activity permit issued in 2017 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Spencer engaging in conduct unbecoming to the teaching profession on or about February to March 2018, while employed as a teacher with the Crestview Local School District, when he completed Resident Educator Summative Assessment evaluations during the school day, while he was supposed to be teaching and supervising students; and

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

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

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

WHEREAS the hearing officer recommends that Mr. Spencer's license and 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 a period of three years, provided that he completes eight hours of ethics training and eight hours of professionalism training. The hearing officer's recommendation is based upon Mr. Spencer's actions being not only an unethical misuse of public funds with respect to the computer services he improperly used, the teaching salary that he wasted for inadequate instruction, and the public funds he received for performing the evaluations, but also a willful and irresponsible dereliction of his duties towards his school district and his students who he failed as an instructor, as well as the Resident Educator Summative Assessment program and the resident teachers who were expecting a thorough, objective, and undistracted evaluation of the submitted material; 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** Daniel S. Spencer's five-year professional adolescence to young adult teaching license issued in 2017 and five-year pupil activity permit issued in 2017 based upon Mr. Spencer engaging in conduct unbecoming to the teaching profession on or about February to March 2018, while employed as a teacher with the Crestview Local School District, when he completed Resident Educator Summative Assessment evaluations during the school day, while he was supposed to be teaching and supervising students. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that Daniel S. Spencer be ineligible to reapply for any license, permit, or certificate issued by the State Board of Education until on or after July 13, 2024, and upon reapplication, he must submit written verification to the Ohio Department of Education that he has completed, at his own expense, eight hours of ethics training and eight 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 State Superintendent of Public Instruction be, and he hereby is, directed to notify Mr. Spencer of this action.

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

President Kohler called for a roll call vote.

YES VOTES

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

Motion carried.

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

17. **RESOLUTION TO RESCIND THE RESOLUTION ADOPTED BY THE STATE BOARD OF EDUCATION ON JUNE 11, 2020, REGARDING THE TEACHING CREDENTIALS OF CHRISTOPHER A. KING, TO RECONSIDER THE MATTER, AND TO REVOKE PERMANENTLY THE**

**FIVE-YEAR PUPIL ACTIVITY PERMIT, FIVE YEAR PROFESSIONAL EDUCATION OF THE HANDICAPPED TEACHING LICENSE, AND FIVE-YEAR PROFESSIONAL HIGH SCHOOL PRINCIPAL LICENSE OF CHRISTOPHER A. KING**

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

WHEREAS on June 11, 2020, the State Board of Education adopted a resolution that permanently revoked the five-year pupil activity permit, five-year professional education of the handicapped teaching license and five-year professional high school principal license of Christopher A. King; and

WHEREAS Mr. King appealed the State Board's order permanently revoking his licenses to the Perry County Court of Common Pleas in Case Number 20-CV-00165; and

WHEREAS on or about April 6, 2021, the Perry County Court of Common Pleas found that the three aggravating factors stated in the State Board's notice should not have been included because they did not constitute evidence of disciplinary action against Mr. King and were not Ohio Administrative Code 3301-73-21(B)(14) relevant facts. Further, the court struck those aggravating factors from the factual findings, conclusions of law, and rationale of the hearing officer; and

WHEREAS the Perry County Court of Common Pleas remanded the matter to the State Board for further proceedings. Specifically, to determine Mr. King's penalty in light of the three aggravating factors having been stricken; and

WHEREAS the State Board has duly considered the decision of the Perry County Court of Common Pleas and the hearing officer's report and recommendation with those items stricken as required by the court; and

WHEREAS the State Board has considered the objections to the hearing officer's report and recommendation which Mr. King timely filed; and

WHEREAS the State Board has considered the factors listed in 3301-73-21 excluding those factors stricken by the Perry County Court of Common Pleas and has considered the *Licensure Code of Professional Conduct for Ohio Educators*, which contains the standards for the teaching profession and provides guidelines for conduct that is unbecoming to the teaching profession; and

WHEREAS the State Board finds that Mr. King's conduct in Count 1 of the notice supports the permanent revocation of his five-year pupil activity permit, five-year professional education of the handicapped teaching license, and five-year professional high school principal license: Therefore, Be It

**RESOLVED**, That the State Board, in accordance with the decision of the Perry County Court of Common Pleas, hereby **RESCINDS** its prior resolution permanently revoking Mr. King's five-year pupil activity permit, five-year professional education of the handicapped teaching license, and five-year professional high school principal license; and Be It Further

**RESOLVED**, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) hereby **REVOKES** Christopher A. King's five-year pupil activity

permit issued in 2015, five-year professional education of the handicapped teaching license issued in 2014, and five-year professional principal license issued in 2014 based upon Mr. King engaging in conduct that is unbecoming to the teaching profession on or about January 27, 2017 when, while acting in his capacity as principal of Sheridan High School in the Northern Local School District, counselor Stephanie Winters reported to him that a student had disclosed to her that the student was sexually assaulted and/or coerced into a sex act by another student and Mr. King failed to immediately report this concern to law enforcement or children services. Further, the State Board of Education, in accordance with Administrative Code Rule 3301-73-22(A)(2)(b), orders Christopher A. King 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. King of this action.

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

Mr. LaRue noted he had previously abstained on the matter and would do so again.

President Kohler called for a roll call vote.

YES VOTES

Christina Collins  
Walter Davis  
John Hagan  
Meryl Johnson  
Laura Kohler  
Charlotte McGuire  
Antoinette Miranda  
Eric Poklar  
Mike Toal

Stephen Dackin  
Diana Fessler  
Kirsten Hill  
Jenny Kilgore  
Martha Manchester  
Tim Miller  
Michelle Newman  
Brendan Shea

ABSTAIN

Paul LaRue

Motion carried.

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Mrs. Manchester presented the following recommendation (Item 18):

**18. RESOLUTION TO APPROVE THE REVISED STANDARDS-BASED FRAMEWORK FOR THE EVALUATION OF PRINCIPALS**

The State Board of Education (“Board”) hereby **APPROVES** the revised standards-based framework for the evaluation of principals as follows:

Ohio Revised Code (ORC) 3301.02 requires the procedures for the evaluations of principals and assistant principals to be based on principles comparable to

teacher evaluation policies, but to be tailored to the duties and responsibilities of principals and assistant principals and the environment in which they work;

ORC 3319.112 requires the Department of Education (the “Department”) to serve as a clearinghouse of promising evaluation procedures and models that districts may use for evaluating principals and assistant principals pursuant to ORC 3319.02;

The Department provides a system for the evaluation of principals for districts to use that is reflective of the evaluation framework approved by the Board;

The Board approved revised Ohio Standards for Principals in 2018;

ORC 3319.112 required the Board to revise the standards-based framework for the evaluation of teachers by May 1, 2020, and the Board accordingly adopted the revised standards-based framework for the evaluation of teachers during its March 2020 meeting;

Changes to the standards-based framework for the evaluation of principals incorporate the changes to the Ohio Standards for Principals, as revised in 2018, and the standards-based framework for the evaluation of teachers, as revised in 2020;

The Educator Standards Board recommended adoption of revised standards-based framework for the evaluation of principals in the form attached hereto at its May 2021 meeting;

The Teaching, Leading and Learning Committee recommended adoption of the revised standards-based framework for the evaluation of principals in the form attached hereto at its June 2021 meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Board approves the revised standards-based framework for the evaluation of principals in the form attached hereto;

BE IT FURTHER RESOLVED, that the Superintendent of Public Instruction is hereby authorized to publish the revised standards-based framework for the evaluation of principals electronically or through other media as the “Ohio Principal Evaluation System,” “OPES,” or “OPES 2.0” and to make such revisions to form and style as may be determined necessary of a non-substantive nature, including grammatical and other technical matters.

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

President Kohler called for a roll call vote.

YES VOTES

Christina Collins  
Walter Davis  
Laura Kohler  
Martha Manchester

Stephen Dackin  
Meryl Johnson  
Paul LaRue  
Charlotte McGuire

Tim Miller  
Michelle Newman  
Mike Toal

Antoinette Miranda  
Eric Poklar

NO VOTES

Diana Fessler  
Kirsten Hill

John Hagan  
Jenny Kilgore

ABSTAIN

Brendan Shea

Motion carried.

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Mrs. Manchester presented the following recommendation (Item 19):

**19. RESOLUTION TO ADOPTION THE PROMOTION SCORE FOR THE THIRD GRADE ENGLISH LANGUAGE ARTS ASSESSMENT**

The State Board of Education (Board) hereby **ADOPTS** the promotion score for the third grade English language arts assessment as follows:

Ohio Revised Code (ORC) Section 3301.0711(B)(1) requires the administration of the English language arts assessment prescribed under ORC 3301.0710(A)(1)(a) to all students in the third grade;

The levels of achievement for the third grade English language arts assessment are limited, basic, proficient, accelerated and advanced;

ORC 3301.0710(A)(3) requires the Board to determine and designate a level of achievement on the third grade English language arts assessment for a student to be promoted to the fourth grade under ORC 3313.608;

ORC 3301.0710(A)(3) requires the Board to adjust upward the level of achievement each year the third grade English language arts assessment is administered until the promotion score is set equal to the proficient level of skill;

The promotion score for the English language arts assessment was last adopted by the Board in June 2019 at a score of 683 for the 2019-2020 school year, which falls within the range of the basic level of skill;

The promotion score adopted by the Board for the 2019-2020 school year was never used for promotion purposes under ORC 3313.608 because House Bill 197 of the 133<sup>rd</sup> General Assembly removed the promotion score requirement for the 2019-2020 school year;

The Board adopted a legislative recommendation during its May 2020 meeting requesting that the General Assembly not require the Board to adjust upward the promotion score for the English Language Arts assessment as required under division ORC 3301.0710(A)(3) for the 2020-2021 school year;



House Bill 409 of the 133<sup>rd</sup> General Assembly removed the promotion score requirement for the 2020-2021 school year;

The Teaching, Leading and Learning Committee recommended the Board adopt a promotion score of 683 for the third grade English language arts assessment for the 2021-2022 school year for the purposes of promotion to fourth grade under ORC 3313.608.

NOW, THEREFORE, BE IT RESOLVED, that the Board adopts a promotion score of 683 for the third grade English language arts assessment for the 2021-2022 school year for the purposes of promotion to fourth grade under ORC 3313.608. This score falls within the range of the basic level of skill.

It was Moved by Mrs. Manchester that the above recommendation (Item 19) be approved.

President Kohler called for a roll call vote.

YES VOTES

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

ABSTAIN

Diana Fessler

NOTE: Mrs. Fessler stated “not included.”

Motion carried.

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Mrs. 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 Mrs. McGuire and Seconded by Mr. Hagan that the above recommendation (Item 20) be approved.

Dr. Collins moved to amend the resolution by substitution. Ms. Johnson seconded the motion. Dr. Collins stated her motion was in response to the district's objections. She noted factors 3 and 5, and the district had in fact provided clear objections to these. Therefore, the district did meet the requirements.

Mrs. Fessler asked if transportation costs were funded by the federal government. Superintendent DeMaria stated he did believe the costs for transportation were not funded by the federal government. Mr. Rousch confirmed transportation funding would be a combination of local school district and state funds.

Mr. Hagan asked what the chances would be for this item to be litigated. Ms. Singh responded that there would be the possibility regardless of the proposed substitute resolution or the original resolution.

Mr. Miller and Dr. Kilgore stated the substitute resolution had not been shared until just recently and they had not had the time to review the matter. Ms. Johnson asked if this issue needed to be voted on at this meeting of the Board. The Board took a brief recess so that members could review the matter.

Mrs. Fessler stated she would be voting no on the issue because when she is asked to choose between a family and the government, she would always default to the family.

Proposed substitute resolution:

**20. RESOLUTION TO REJECT THE RECOMMENDATION OF THE HEARING OFFICER AND TO APPROVE 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;

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

The hearing officer also found that Streetsboro SD did not inquire into a potential opportunity to share services with Shaker Heights City School District;

Streetsboro SD submitted objections to the hearing officer's report and recommendation and asserted several arguments including the consideration of factor 3 and factor 5 before Streetsboro SD determined impracticality, thereby meeting the requirements under R.C. 3327.02(A) as follows:

**(3) the cost of providing transportation in terms of equipment, maintenance, personnel, and administration** was evidenced by testimony during direct examination taken on March 29, 2021. Streetsboro SD testified and presented exhibits as to the costs of providing transportation as it pertains to equipment (cost of a bus), maintenance (annual cost of operating a bus), personnel (adding routes and drivers), and administration (no administrative costs).

*"[i]n order to service Rootstown we would need to add a route, a dedicated bus, and we would need to add a driver."* Tr. 89-90;

Paragraph 18 of the Report and Recommendation's Conclusions of Law states: "Streetsboro SD attributed the \$85,000 cost of a new school bus to providing a direct route for Bio-Med Rootstown even though Streetsboro SD is on a schedule to obtain two new school buses every year and incurs this cost regardless of implementing a new bus route. R.R. 17.

However, as noted in Streetsboro SD's objections, the Operations Director explained during the hearing:

*"They replace other buses as they are aged out." Tr. 133*

If the Board were to remove a bus from its fleet and dedicate it exclusively to the proposed Bio-Med Rootstown route, the Board would still have to purchase a new school bus to replace the old bus now being used for the Bio-Med Rootstown route. Consequently, the equipment cost to the District would remain \$85,000.00 (Streetsboro SD's Objections p. 9).

**(5) whether and to what extent the additional service unavoidably disrupts current transportation schedules**, also through testimony on March 29, 2021 Streetsboro SD considered a direct route from a new school bus to Bio-Med Rootstown or the possible route change of adding Bio-Med Rootstown to the LEAP/St. Patrick route and using the extra bus for the elementary school run.

*"[T]he ability to sort of use one bus to collect students and run a dedicated bus effectively across all 25 square miles and then transport to Rootstown would be very difficult. That data comes from we had 19 students apply for transportation to Bio-Med. So we are – when we think of a routing scheme, we think of all of those students not just the current five students that ride, which is why, again, we made the decision to declare it impractical." Tr. 88.;*

Additionally, although there is no evidence to suggest that Streetsboro SD inquired into shared services with Shaker Heights City School District, Streetsboro SD did consider continuing shared services with a neighboring school district, Rootstown Local School District, evidenced by the Operations Director's testimony at the March 29, 2021 hearing.

***It has been explored between the two transportation departments, and just knowing our routes and knowing that we both transport to Maplewood, I suspect – and, again, I can't answer this, but I suspect that the two superintendents will need to come to a new agreement for any future arrangements past this year. Tr. 128-129.***

Further, the suggestion to share services with Shaker Heights City School District came after transportation was determined impractical and mediation had already occurred.

NOW, THEREFORE, BE IT RESOLVED, that upon consideration of the hearing officer's report and recommendation, Streetsboro SD objections, and the relevant law, the State Board of Education finds that Streetsboro SD sufficiently considered all of the factors set forth in 3327.02(A) and hereby rejects the recommendation of the hearing officer and approves Streetsboro School District Board of Education's payment in lieu of transportation of certain students attending Bio-Med Rootstown; 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.

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

YES VOTES

Christina Collins	Stephen Dackin
Walter Davis	Meryl Johnson
Laura Kohler	Paul LaRue
Martha Manchester	Charlotte McGuire
Tim Miller	Antoinette Miranda
Michelle Newman	Eric Poklar

NO VOTES

Diana Fessler	John Hagan
Kirsten Hill	Jenny Kilgore
Brendan Shea	Mike Toal

Motion carried.

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

YES VOTES

Christina Collins	Stephen Dackin
Walter Davis	Meryl Johnson
Jenny Kilgore	Laura Kohler
Paul LaRue	Martha Manchester
Charlotte McGuire	Tim Miller
Antoinette Miranda	Michelle Newman
Eric Poklar	

NO VOTES

Diana Fessler	John Hagan
Kirsten Hill	Brendan Shea
Mike Toal	

Motion carried.

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

- 21. RESOLUTION TO ADOPT THE RECOMMENDATION OF THE HEARING OFFICER AND TO APPROVE FOREST HILLS LOCAL SCHOOL DISTRICT'S DETERMINATION OF IMPRACTICAL TRANSPORTATION AND PAYMENT IN LIEU OF TRANSPORTATION OF CERTAIN STUDENTS ATTENDING SEVEN HILLS DOHERTY AND ST. VERONICA, HAMILTON COUNTY.**

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

Pursuant to Ohio Revised Code Sections 3327.01 and 3327.02, Forest Hills Local School District (“Forest Hills LSD”) determined it is impractical to transport students from Forest Hills LSD to Seven Hills Doherty and St. Veronica, Hamilton County;

A hearing was held on February 23, 2021, before a duly appointed hearing officer;

In the Report and Recommendation of the Hearing Officer, filed on or about April 7, 2021, hearing officer Lisa M. Finnegan recommends the Board approve Forest Hills LSD’s determination of impractical transportation and payment in lieu of transporting certain resident students attending Seven Hills Doherty and St. Veronica; and

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

At the May 2021 Board meeting, pursuant to the authority in Revised Code section 119.09, the Board approved a motion to remand the matter in order to resolve the discrepancies among the amounts offered to the parents for payment in lieu of transportation.

In the Revised Report and Recommendation of the Hearing Officer, filed on or about May 25, 2021, hearing officer Lisa M. Finnegan addressed the inconsistencies in the payment in lieu amounts offered during the hearing and finds that \$300.00 is the amount to be paid for each student as payment in lieu of transportation.

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby adopts the recommendation of the hearing officer and approves Forest Hills LSD’s determination, made in April 2020 by the Forest Hills LSD Board of Education, of impractical transportation and payment in lieu of transporting certain students attending Seven Hills Doherty and St. Veronica 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, Forest Hills LSD, and counsel of record, if applicable.

It was Moved by Mrs. McGuire and Seconded by Mrs. Newman that the above recommendation (Item 21) be approved.

President Kohler called for a roll call vote.

YES VOTES

Christina Collins  
Walter Davis  
Kirsten Hill  
Jenny Kilgore  
Paul LaRue  
Charlotte McGuire  
Antoinette Miranda  
Eric Poklar  
Mike Toal

Stephen Dackin  
John Hagan  
Meryl Johnson  
Laura Kohler  
Martha Manchester  
Tim Miller  
Michelle Newman  
Brendan Shea

NO VOTES

Diana Fessler

Motion carried.

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Mrs. McGuire presented the following recommendation (Item 22):

**22. RESOLUTION TO ADOPT THE PERFORMANCE STANDARDS FOR THE ALTERNATE ASSESSMENT FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES**

The State Board of Education (“Board”) **ADOPTS** the performance standards for the Alternate Assessment for Students with the Most Significant Cognitive Disabilities as follows:

Ohio Revised Code (ORC) 3301.0710 requires the Board to set ranges of scores that demonstrate that students have achieved one of the following: a limited, basic, proficient, accelerated, or advanced level of skill;

ORC 3301.0711 provides that the individualized education program (IEP) for a student with significant cognitive disabilities may specify an alternate assessment method approved by the Department of Education (the “Department”) that conforms to federal law for receipt of federal funds for students receiving special education services;

The Board approved in September 2018 Ohio’s Learning Standards-Extended, which form the basis for the academic content measured by the Alternate Assessment for Students with the Most Significant Disabilities;

In consultation with parents, teachers, administrators, and stakeholders, the Department developed the Alternate Assessment Participation Decision-Making Tool to guide and support IEP teams in determining whether a student is most appropriately assessed with an alternate assessment;

The Department conducted stakeholder review of performance-level descriptors, convened educator panels to determine recommendations for performance standards, and presented those recommended performance standards to the Performance and Impact Committee in June 2021;

The Performance and Impact Committee, at its meeting in June 2021, recommended that the Board adopt the performance standards.

NOW, THEREFORE, BE IT RESOLVED, that the Board adopts the performance standards for the Alternate Assessment for Students with the Most Significant Cognitive Disabilities as provided in the Board's meeting materials.

It was Moved by Mrs. McGuire that the above recommendation (Item 22) be approved.

President Kohler called for a roll call vote.

YES VOTES

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

ABSTAIN

Diana Fessler

Motion carried.

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President Kohler presented the following recommendation (Item 23):

**23. RESOLUTION APPOINTING MEMBER TO THE EDUCATOR STANDARDS BOARD – SECONDARY SCHOOL TEACHER**

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

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

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

The position on the Education Standards Board for a Secondary School Teacher is now vacant;



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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 to fill the vacant position noted below for the remaining term expiring June 30, 2022:

Nominees:

- 1) Jorge L. Gonzalez
- 2) Daniel Greenberg

Appointed:

Jorge L. Gonzalez - Secondary School Teacher

President Kohler opened the floor for nominations.

Mrs. Hill Moved the nomination for Daniel Greenberg. Ms. Johnson Moved the nomination for Jorge L. Gonzalez.

Mr. Hagan Moved to close nominations. Mr. Shea seconded the motion.

Mrs. Hill and Ms. Johnson spoke in favor of their nominations.

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

**JORGE L. GONZALEZ**

Christina Collins  
Walter Davis  
Jenny Kilgore  
Paul LaRue  
Charlotte McGuire  
Antoinette Miranda  
Eric Poklar

Stephen Dackin  
Meryl Johnson  
Laura Kohler  
Martha Manchester  
Tim Miller  
Michelle Newman  
Mike Toal

**DANIEL GREENBERG**

Diana Fessler  
Kirsten Hill

John Hagan  
Brendan Shea

Mr. Jorge L. Gonzalez received 14 votes and the appointment to the Educator Standards Board.

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Mr. Hagan presented the following recommendation (Item 24):

- 24. 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.**

As many concerned parents and citizens are alarmed by the activities of their schools in respect to race and racism, we acknowledge their concerns and their right to have their voices heard.

Whereas the State Board of Education passed a Resolution to condemn racism and advance equity and opportunity for black students, indigenous students and students of color on July 14, 2020 after 11PM, in a virtual meeting, and the resolution came from a member directly to the board and not from a committee where it could have had input from the public during deliberation; and

Whereas said resolution was passed on a split vote with 12 affirmatives, 5 opposed and 1 abstention, with members duly elected by their constituents evenly split with 5 affirmatives, 5 opposed and 1 abstention and the board remains split on this issue; and

Whereas the board president allows verbal presentations in support of the resolution and denies verbal presentations in opposition to the resolution; and

Whereas the Attorney General of Ohio and 19 other States' Attorneys General co-signed a letter, dated May 19, 2021 to the Secretary of United States Department of Education stating:

“As the chief of legal officers of our respective states, we write to express our deep concerns with the proposed priorities recently issued by the United States Department of Education. (“Department”). The proposed priorities are a thinly veiled attempt at bringing into our states' classrooms the deeply flawed and controversial teachings of Critical Race Theory and the 1619 Project. Critical Race Theory (“CRT”) is an ideological construct that analyzes and interprets American history and government primarily through the narrow prism of race. Similarly, the 1619 Project seeks to “reframe the country's history.” As such, it distorts, rather than illuminates, a proper and accurate understanding of our nation's history and governmental institutions and, therefore, is fundamentally at odds with federal and state law.

Accordingly, the Department should not adopt the proposed rule or, at a minimum, should make clear that grants may not fund projects that are based on CRT, including any projects that characterize the United States as irredeemably racist or founded on principles of racism (as opposed to principles of equality) or that purport to ascribe character traits, values, privileges, status, or beliefs, or that assign fault, blame, or bias, to a particular race or to an individual because of his or her race.” ;and

Whereas the priorities outlined in the Boards resolution are very similar to the priorities stated in the Attorneys General letter; and

Whereas the Attorneys General letter states that these priorities are a thinly veiled attempt at bringing into our states' classrooms the deeply flawed and controversial teachings of Critical Race Theory and the 1619 Project; and

Whereas the impact of the actions attributed to the Resolution to condemn.... are an affront to students, teachers, administrators, parents and the general populace of the State of Ohio; therefore, be it

Resolved that the State Board of Education requests a formal opinion on conformity with State and Federal laws and the legal authority or lack thereof of the Board of Education's action of the aforementioned "Resolution to condemn Racism...." ; and be it

Further resolved that all actions resulting from the directives of the resolution cease until a formal opinion supporting them is received from the Attorney General of Ohio.

**PRESENTED BY JOHN HAGAN, DISTRICT 8, ELECTED MEMBER, OHIO  
BOARD OF EDUCATION**

It was Moved by Mr. Hagan and Seconded by Mr. Davis that the above recommendation (Item 24) be approved.

Mr. Hagan apologized for not being convincing enough regarding the fallacy of the July 2020 Equity Resolution. He stated it appeared minds were made up prior to the discussion. It was obvious the resolution was in response to much national attention to the death of George Floyd and similar events in our country. Even he could not have imagined the outrage of parents and community members over the training required by the resolution and the assertions made in it. Culturally responsive curriculum is hi-lited in the Board's anti-racism resolution as a solution to the problem supporting culturally responsive teaching and learning. In the twenty states' Attorney Generals' have signed a letter to Secretary Cordona of the U.S. Department of Education calling out their proposed priorities for American History and Civics Education programs as fundamentally at odds with federal and state law. This resolution requires the state Board to request a formal opinion on the conformity with state and federal laws and the legal authority or lack thereof of the Board of Education action of the aforementioned resolution to condemn racism further requires that the actions resulting from the directives of the resolution cease until a formal opinion supporting them is received from the Attorney General of Ohio. Mr. Hagan asked for passage of his resolution.

Dr. Miranda moved to amend the resolution by substitution. Ms. Johnson seconded the motion. Dr. Miranda stated this was a simplified version of Mr. Hagan's resolution.

Proposed substitute resolution:

**RESOLUTION REQUESTING FORMAL OPINION FROM THE OHIO  
ATTORNEY GENERAL**

WHEREAS, the State Board of Education ("Board") adopted a Resolution to Condemn Racism, and Advance Equity and Opportunity for Black Students, Indigenous Students and Students of Color ("Resolution") on July 14, 2020;

WHEREAS, members opposed to the Resolution have questioned the legal authority of the Board to adopt the aforementioned Resolution;

WHEREAS, the Ohio Attorney General is the chief law officer of the state and provides written opinions on legal questions at the request of designated public officials on issues arising in the course of their duties;

NOW, THEREFORE, BE IT RESOLVED, that the Board requests a formal opinion from the Office of the Ohio Attorney General on whether the Resolution as adopted conforms with state and federal laws and is within the legal authority of the Board.

Ms. Johnson spoke in favor of the proposed amendment. She stated the resolution removed the politics, personality, opinion, and untruth. The untruth being “Whereas the board president allows verbal presentations in support of the resolution and denies verbal presentations in opposition to the resolution”. She further stated she could not vote for something that was untrue.

Mr. Hagan stated he took exception to being called a liar. The Equity resolution is Critical Race Theory and 1619 Project “esque” and if individuals are allowed to speak in person, to the Board, on those topics, please confirm that is acceptable. He insisted that he had brought legal concerns when the Equity resolution was introduced and those concerns should have been addressed then. He stated he was not in favor of the proposed amendment as the Attorney General should be made aware of some of the results of the resolution.

Mrs. Fessler asked Dr. Miranda to expound on her proposed amendment. Dr. Miranda responded her resolution simplified the process and eliminated some untruths she felt were in the original resolution.

Mrs. Hill asked what was untrue about the following clause from the original resolution:

Whereas the board president allows verbal presentations in support of the resolution and denies verbal presentations in opposition to the resolution; and

President Kohler responded the Board needed to focus on is not what is true or untrue, but rather the resolution itself. Ms. Johnson responded the Equity resolution did not reference the 1619 Project or Critical Race Theory. She stated the definition of Critical Race Theory is examining systemic racism in the United States because of government policies.

Dr. Collins stated she would support the proposed amendment and would like to see the Board stop rehashing the same conversations about something that was already passed so that the Board can move on and do something for the children in Ohio.

Mr. Poklar stated the question if the Equity resolution was the right policy was asked and answered when the Board voted. The question if that action is legal or not could be challenged through litigation.

Mr. Shea referenced the definition of Critical Race Theory that Ms. Johnson provided and the following paragraph from the Equity resolution. He stated this was an instance of what Ms. Johnson defined as Critical Race Theory.

Whereas “separate but equal” is no longer the law of the land, but systemic inequity in education has relegated millions of children of color to under-resourced, struggling schools; and

Dr. Kilgore stated the resolution would put this issue to rest. While the Equity resolution does not name Critical Race Theory, it does describe it and how it is enacted in the classroom.

Mr. Miller stated he did approve of the proposed amendment as it eliminated the three Whereas clauses of the original resolution. The proposed amendment gets to the point.

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Mr. Hagan stated that if we are going to question if everything is correct in his resolution, we would have to do the same in the Equity resolution. There appears to be a double standard.

Mrs. Fessler asked President Kohler to elaborate on her letter to the Attorney General requesting an opinion. President Kohler responded she felt Mr. Hagan's resolution had merit and that she and other members felt the discussion and debate has gone on for so long we don't seem to be able to get a resolution and some individuals are questioning the legality of the Equity resolution. She cited Board president authority and precedent that had been sent also.

Mr. Hagan noted this part of the discussion should take place at another time.

Mrs. Hill asked President Kohler if the proposed substitute resolution was to support the statement in her letter to the Attorney General where it says "the Board is requesting..." Mrs. Hill stated the Board did not request an opinion. President Kohler responded that Mrs. Hill was correct and clarified she, in her capacity as Board president, on behalf of the Board requested the opinion.

Mr. Toal stated he supported Mr. Hagan's resolution and if the Attorney General found the resolution to be legally in error, the Board would have the opportunity to revisit something he felt was quite poorly done. He stated it was ironic the Board wished to water-down Mr. Hagan's resolution as the Equity resolution contained language that was exceedingly political. He further stated he would support the proposed substitute resolution.

Ms. Newman called the question on the proposed amendment. Mr. Davis seconded the motion.

President Kohler called for a roll call vote.

YES VOTES

Christina Collins  
Diana Fessler  
Kirsten Hill  
Jenny Kilgore  
Paul LaRue  
Charlotte McGuire  
Antoinette Miranda  
Eric Poklar  
Mike Toal

Stephen Dackin  
John Hagan  
Meryl Johnson  
Laura Kohler  
Martha Manchester  
Tim Miller  
Michelle Newman  
Brendan Shea

NO VOTES

Walter Davis

Motion carried.

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

YES VOTES

Christina Collins  
Meryl Johnson  
Paul LaRue  
Charlotte McGuire  
Antoinette Miranda  
Eric Poklar

Stephen Dackin  
Laura Kohler  
Martha Manchester  
Tim Miller  
Michelle Newman  
Mike Toal

NO VOTES

Walter Davis  
John Hagan  
Jenny Kilgore

Diana Fessler  
Kirsten Hill  
Brendan Shea

Motion carried.

Dr. Collins stated the request to the Attorney General had already been made regardless of how the Board voted today. She would now vote no as a matter of principle, due to the hundreds of emails received by the Board and also what is happening at local board of education meetings. She would be voting no because she believed in what the Board did last July and believed there were representatives from the Attorney General's office present at the meeting. She wanted to support the people who asked the Board not to do this.

Mr. Hagan stated regarding the following clause of the resolution; "WHEREAS, members opposed to the Resolution have questioned the legal authority of the Board to adopt the aforementioned Resolution", he found it surprising the Board president would send a request to the Attorney General on just the question of some members who have been opposed to the original Equity resolution from the start. Mr. Hagan asked if there were any Board members who requested the opinion and were they opposed to the Equity resolution. President Kohler declined to answer the question.

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

YES VOTES

Stephen Dackin  
Diana Fessler  
Kirsten Hill  
Laura Kohler  
Martha Manchester  
Tim Miller  
Brendan Shea

Walter Davis  
John Hagan  
Jenny Kilgore  
Paul LaRue  
Charlotte McGuire  
Eric Poklar  
Mike Toal

NO VOTES

Christina Collins  
Antoinette Miranda

Meryl Johnson  
Michelle Newman

Motion carried.

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Ms. McGuire presented the following recommendation (Item 25):

**25. RESOLUTION TO APPOINT INTERIM SUPERINTENDENT**

The State Board ("Board") hereby ADOPTS the following:

Pursuant to the Ohio Constitution, Article VI, Section 4, the Superintendent of Public Instruction shall be appointed by the State Board of Education.

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On July 1, 2021, Superintendent Paolo DeMaria notified the Board of his retirement, effective September 24, 2021.

NOW, THEREFORE, BE IT RESOLVED, the Board hereby appoints Dr. John Richard as the interim Superintendent of Public Instruction effective September 25, 2021, to serve as interim superintendent until a new superintendent commences his or her term as Superintendent of Public Instruction.

BE IT FURTHER RESOLVED, the Board approves compensation increase for Dr. John Richard in his position as interim Superintendent of Public Instruction, so that his compensation will be increased from \$178,339.20 (\$85.74/hour) to \$202,321.60 (\$97.27/hour), effective until a new superintendent commences his or her term as Superintendent of Public Instruction.

BE IT FURTHER RESOLVED, upon commencement of a new superintendent's term, compensation shall revert to \$178,339.20 (\$85.74/hour).

It was Moved by Ms. McGuire that the above recommendation (Item 25) be approved.

Mr. Dackin stated he wanted to make clear to everyone that Mr. Richard, if he so chooses, may become a candidate for the next Superintendent's position. President Kohler asked if there were any objections to the following change. There were no objections.

NOW, THEREFORE, BE IT RESOLVED, the Board hereby appoints Dr. John Richard as the interim Superintendent of Public Instruction effective September 25, 2021, to serve as interim superintendent until ~~the next~~ a new superintendent commences his or her term as Superintendent of Public Instruction.

Mr. Poklar asked the basis for the increase. President Kohler responded it represented a twelve-thousand dollar increase over a six-month period that would be pro-rated to the actual time Dr. Richard would be spending in the position. The rationale was to compensate Dr. Richard for assuming the role and extra time required.

Mr. Davis asked for clarification of the following clause. Would this be for Dr. Richard himself or the position of Deputy Superintendent.

BE IT FURTHER RESOLVED, upon commencement of a new superintendent's term, compensation shall revert to \$178,339.20 (\$85.74/hour).

President Kohler asked if there was any objection to removing the last paragraph. President Kohler noted there were objections.

Mrs. Fessler moved to postpone Item 25 to the next meeting of the Board. Mr. Hagan seconded the motion.

Mr. Poklar stated that while he did not like addressing resolutions on the fly, he felt with no meeting in August, the Board would be addressing this issue days before the current Superintendent would be leaving and would be a detriment to staff and the transition plan was in place for handling situations such as this. He would not support the motion.

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Mrs. Fessler stated the policy manual was very specific on how the Board was to follow bringing forth resolutions and this was the third resolution today that did not follow the policy. She said without declaring this item an emergency, she saw no basis for doing this. Ms. Singh responded that due to the unique circumstances of when the Superintendent announced his retirement, which was July 1, with no August meeting, and Mr. DeMaria's retirement date being so close to the dates of the September Board meeting, this item was able to be added to the July agenda in time. She further stated if the Board felt emergency consideration was necessary, the Board could vote on that issue.

Mr. Davis stated the succession plan sets the stage for situations such as this and the Board is deliberating excessively on this issue and should move forward now.

Mr. Dackin stated the Board should follow the succession plan and move forward at this time. Mr. Dackin called the question. Dr. Collins seconded the motion.

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

YES VOTES

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

Motion carried.

President Kohler called for a roll call vote on the proposed motion to postpone Item 25 to the next meeting of the Board.

YES VOTES

Diana Fessler	John Hagan
Jenny Kilgore	

NO VOTES

Christina Collins	Stephen Dackin
Walter Davis	Kirsten Hill
Laura Kohler	Paul LaRue
Martha Manchester	Charlotte McGuire
Tim Miller	Antoinette Miranda
Michelle Newman	Eric Poklar
Brendan Shea	Mike Toal

Motion defeated.

Mrs. Fessler stated the Board's process is flawed and does not feel right and would vote with regret at the way it is handled, and it is with some regret that she made the motion.



President Kohler called for a roll call vote.

YES VOTES

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

Stephen Dackin  
Diana Fessler  
Kirsten Hill  
Laura Kohler  
Martha Manchester  
Tim Miller  
Michelle Newman  
Brendan Shea

Motion carried.

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

Mr. Hagan stated that as he was reading President Kohler’s letter to the Attorney General asking for an opinion regarding the Equity Resolution, he cited where it states, “Mr. Hagan’s desire for a formal opinion is shared by others on the Board.” He asked if it was confidential as to who the “others” were or was she willing to disclose who those individuals were. President Kohler responded it was by those individuals in the vote that was taken today. Mr. Hagan asked the President if she would be sending out a letter in reference to the resolution that was passed today to the Attorney General. He also stated it did not appear in the current letter that it was appropriate to address the Attorney General as “Dear Honorable Yost.” President Kohler responded she would be happy to change the letter. He stated he found it very insulting and she as President of the Board were out of line to take something that he presented

Mrs. Fessler stated it was not clear to her the source of the authority that was used for President Kohler to send the letter requesting a legal opinion from the Attorney General. President Kohler responded she consulted with legal counsel prior to sending the letter and believed there was policy and precedent which supported her authority to send the letter. Ms. Singh responded she did review past precedent and previous versions that had been submitted directly from the Board president without a resolution brought forth by the full Board. Ms. Singh referenced page 13, section B, role of officers; Communicate State Board positions and represent the State Board in public and at ceremonial events. She stated she also consulted with the Attorney General’s office, and they indicated it was acceptable for the Board president to submit a request on behalf of the Board. Mrs. Fessler asked who the Board members were by name that were referenced in the request for an opinion by the Attorney General. President Kohler responded she would not answer the question. Mrs. Fessler then asked what means of communication was used with the Board members. President Kohler responded that was the end of this line of questioning as she did not believe it brought positive repute to the Board if we are seen as constantly in-fighting.

Mrs. Hill stated at the June meeting of the Board she had asked about the style of testimony that would be used at Board meetings moving forward if an individual could testify other than in-person. President Kohler responded there would be an update prior to the September meeting so that individuals may plan accordingly. Mr. Hagan suggested Mr. Goodman researching technology so the meet-me line would not require the use one of the microphones.

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**New Business**

1) Dr. Kilgore announced she would be bringing forth a resolution regarding public participation at the September meeting of the Board. The resolution is in the July Member Proposed Resolutions folder and Board members are encouraged to provide feedback.

2) Ms. McGuire presented the following recommendation (Item 26):

**26. RESOLUTION TO APPROVE A PARITY INCREASE TO THE ANNUAL COMPENSATION FOR THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION**

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

Pursuant to both Revised Code section 3301.08, and Section IV.A of the State Board Policies and Procedures Manual, the Board shall set the compensation for the State Superintendent.

In FY22, all state employees are eligible to receive a three percent (3%) salary increase.

The Executive Committee recommended that the Board approve a three (3%) salary parity increase for the State Superintendent, consistent with the eligibility of all state employees.

NOW, THEREFORE BE IT RESOLVED, that the Board approves a three (3%) parity increase for the State Superintendent, consistent with the eligibility of all state employees, so that his compensation will be increased from \$ 209,996.80 (\$100.96 per hour) to \$216,299.20 (\$103.99 per hour), with the increase being effective on July 3, 2021.

It was Moved by Mrs. McGuire that the above recommendation (Item 26) be approved.

Mr. Poklar stated that if the increase was retroactive to July 3, 2021, he would prefer postponing this item to the September meeting of the Board. Ms. Singh responded she believed the Human Resources office could perform the retroactive pay increase prior to Superintendent DeMaria leaving the Department.

Mr. Dackin asked for confirmation that all state employees had received the three percent pay increase as of July 3, 2021. Superintendent DeMaria provided confirmation this had taken place for all state employees.

Mr. Toal stated he would not support the resolution. He did not understand an individual receiving a raise when they were leaving office in a matter of six to eight weeks. He felt this should be addressed when considering the annual compensation.

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President Kohler called for a roll call vote.

YES VOTES

Christina Collins  
Walter Davis  
Paul LaRue  
Charlotte McGuire  
Antoinette Miranda  
Eric Poklar

Stephen Dackin  
Laura Kohler  
Martha Manchester  
Tim Miller  
Michelle Newman

NO VOTES

Diana Fessler  
Kirsten Hill  
Brendan Shea

John Hagan  
Jenny Kilgore  
Mike Toal

Motion carried.

Mrs. Fessler stated she was interested in having a much better understanding of the hiring and background of Superintendent DeMaria. President Kohler stated she would protect any staff member from what she believes to be an intrusive and irrelevant line of questioning. She did not see the purpose in pursuing the Superintendent when he has announced he is leaving. Mrs. Fessler stated she is pursuing her understanding of why things have happened. President Kohler stated Mrs. Fessler should not use anyone's name in what she is pursuing. Mrs. Fessler responded that would curtail her use of free speech. Mrs. Fessler was surprised that the individual was not more zealous for opening schools. She requested a copy of the contract of the individual with the Board. Superintendent DeMaria responded he does not have a contract with the Board.

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Mr. Dackin Moved to adjourn the meeting. Dr. Kilgore Seconded the motion.

The President requested a voice vote.

Motion carried.

President Kohler adjourned the meeting at 6:20 p.m. The next regularly scheduled meeting of the State Board of Education is September 20-21, 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.