

**STATE BOARD OF EDUCATION OF OHIO
MINUTES**

January 2022
Ohio Department of Education
25 South Front Street
Columbus, Ohio 43215

MEMBERS OF THE STATE BOARD OF EDUCATION

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

EX OFFICIO MEMBERS

Senator Andrew Brenner	Representative Gayle Manning
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SECRETARY

Dr. Stephanie K. Siddens
Interim Superintendent of Public Instruction

NOTE: Mr. Kern was absent from the meeting.

The State Board convened on Monday, January 10, at the Ohio Department of Education in Columbus.

STATE BOARD BUSINESS MEETING

President McGuire convened the Business meeting of the State Board of Education on Monday, January 10, at 8:00 a.m.

President McGuire asked the Recording Secretary to call the roll.

YES VOTES

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

Brendan Shea

Mike Toal

Motion carried.

NOTE: Dr. Kilgore was not in the room during roll call.

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

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

It was Moved by Mrs. Hill and Seconded by Mrs. Manchester that the Minutes be approved as presented.

Mrs. Fessler noted she was absent for the Monday morning, December 13, roll call, and this notation would be added to the minutes.

The President called for a voice vote.

Motion carried.

The Board's Teaching, Leading and Learning Committee met beginning at 8:10 a.m.

Topics of discussion were:

- Discuss: Ohio's Dyslexia Guidebook
- Discuss: Ohio Computer Science Learning Standards, Model Curriculum

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

Topics of discussion were:

- Discuss: Achievement Follow-Up
- Discuss: Graduation Follow-Up
- Discuss: Early Literacy Component (3301-28-07)
- Discuss: Gap Closing Component (3301-28-02)
- Discuss: Report Only Measures (3301-28-09)

The State Board recessed for lunch.

The Board's Emerging Issues and Operational Standards Committee met beginning at 1:06 p.m.

Topics of discussion were:

- Community Schools Sponsors (3301-102 - 5 Rules) (Possible Vote)
- Afterschool Child Enrichment Educational Savings Accounts (3301-107-01 ACE Eligibility Requirements) (Possible Vote)

REPORT OF THE INTERIM SUPERINTENDENT OF PUBLIC INSTRUCTION

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

- Mental Health and Wellness of Ohio Students and Educators
- School Funding Update

Mental Health and Wellness of Ohio Students and Educators

- Mental Health and Wellness Concerns
- Listening Sessions Themes
- Addressing Mental Health and Wellness Needs
- Strategies

Current State and the "Surge":

- Pre-COVID data indicates youth were already experiencing more anxiety, depression and suicidality
- A surge is normal following a disaster or traumatic event
- Leads to an increase in stress, anxiety, depression, use of alcohol and other drugs brought on by uncertainty, loneliness, isolation, loss

U.S. Mental Health Data:

Pre-COVID

- 2009-2019 – 40% increase in high school students feeling sad or hopeless
- 2007-2018 – Suicide rates among ages 10-24 increased by 57%

During COVID

- Depressive and anxiety symptoms doubled for youth

Impact of COVID on Students:

- Change of routine and constant uncertainty of pandemic produces anxiety/nervousness
- Disconnection from school, emotional and social supports can lead to depression and sadness
- Missed significant life events can result in grief/loss
- By June 2021, 140,000 children in the U.S. lost a parent or grandparent to COVID-19

Listening Sessions Themes:

Student concerns

- Anxiety
- Grades K-5: difficulty managing emotions, rule following and aggression
- Grades 6-12: Disrespect for self and others, aggression, and violence, and increase substance use

- Absenteeism and attendance

Student needs:

- Strong positive relationships to feel safe
- Higher level of interventions and support
- Wrap around services
- Tutoring and after school support
- Less technology and social media

Educator concerns and needs

- Stress, anxiety, burnout
- Time and space to build positive relationships
- More training on intervention and supports
- Want to focus on mental health needs
- Community understanding the importance of student well-being and mental health
- Teacher shortages
- School-based and community mental health professional shortages

Strategies to Support Student and Staff Wellness:

- Positive, safe, and inclusive
- Continuum of support
- Public information campaigns
- Professional development
- Partner with community organizations
- Staff wellness strategies
- Expand mental health workforce
- Build positive relationships with families
- Protect and prioritize students with higher needs and most vulnerable

Positive Behavioral Intervention and Supports (PBIS):

- ORC 3319.46 and OAC 3301-35-15
- PBIS Implementation Report Card Indicator
- Focuses on K-3 Tiered System of Support

State Agency Collaboration:

- Comprehensive School Safety Initiative and Back to School Toolkit
- Suicide and Violence Prevention Evidence-Based Programs
- Youth and Adult Mental Health Campaign
- School-Based Health Centers

State Funded Initiatives:

Student Wellness and Success Fund Initiative

- FY 2020-66% of districts implemented or planned to implement mental health
- FY 2021-80% of districts implemented mental health services

Federally Funded Initiatives:

- Federal COVID Relief
- Mental Health School-Based Professionals Grant
- Ohio School Wellness Initiative

School Funding Update

All January payments reflect new school funding calculations

- Traditional Districts – January 7
- Community Schools, STEM Schools and JVSDs – January 14
- January payments also reflects current year data enrollment data

School Funding – Restricted Funding:
Guidance released for use of funds for

- Student Wellness and Success funds
- Disadvantaged Pupil Impact Aid (DPIA)
- English learner funding
- Gifted funding
- Career Awareness and Exploration

School Funding – What Comes Next?

- Payments continue to update and annualize with changes in student enrollment and any formula edits/corrections
- Additional payment reports will add clarity and transparency in funding calculations
- Supplemental EMIS reports will allow schools to reconcile payments against EMIS submissions

Review of Written Reports and Items for Vote

President McGuire recessed the Board meeting at 4:32 p.m.

RECONVENE STATE BOARD BUSINESS MEETING

President McGuire reconvened the Business meeting of the State Board of Education on Tuesday, January 11, at 9:00 a.m.

President McGuire asked the Recording Secretary to call the roll.

YES VOTES

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

Motion carried.

NOTE: Mr. Dackin and Mrs. Hill were not in the room during roll call.

The Board's Integrated Student Supports Committee met beginning at 9:00 a.m.

Topics of discussion were:

- Discuss: Supporting Students with Disabilities
- Discuss: Prevention Services Survey Data Report
- Discuss: Early Learning and Development Standards

PUBLIC PARTICIPATION ON VOTING AGENDA ITEMS

There was no Public Participation on Voting Agenda Items.

PUBLIC PARTICIPATION ON NON-VOTING AGENDA ITEMS

- 1) Ms. Laurie Albright. Ms. Albright submitted written testimony to the Board in support of the July 2020 Equity Resolution.
- 2) Ms. Susan Kaeser, Cleveland Heights. Ms. Kaeser submitted written testimony to the Board regarding recommendations for qualifications for Ohio's Superintendent of Public Instruction.
- 3) Ms. Dell Salza. Ms. Salza submitted written testimony to the Board in support of the July 2020 Equity Resolution.

The Board took a brief recess.

COMMITTEE REPORTS

Committee chairs provided reports from Committee meetings which met on Monday and Tuesday, January 10-11. A copy of the Committee report has been placed in the Committee folder on the website.

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

The State Board recessed for lunch.

EXECUTIVE SESSION AND QUASI-JUDICIAL DISCUSSION

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

Dr. Kilgore Seconded the motion.

The President called for a roll call vote.

YES VOTES

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

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

Motion carried.

NOTE: Mrs. Hill and Ms. Johnson were not in the room during roll call.

The Board went into Executive Session and Quasi-Judicial discussion at 12:50 p.m.

The Board recessed from Executive Session and Quasi-Judicial discussion at 2:50 p.m.

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

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

President McGuire presented the following recommendations (Items 1-2) on the Consent Agenda:

- 1. RESOLUTION TO ACCEPT THE PERMANENT VOLUNTARY SURRENDER AND DENIAL OF LICENSES FORM SIGNED BY JENNIFER C. BAKER 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 Jennifer C. Baker has applied for and/or has been issued a license, permit, or certificate by the Ohio Department of Education; and

WHEREAS on November 23, 2021, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Jennifer C. Baker 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. Baker's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

WHEREAS the form specifies that Jennifer C. Baker is ineligible for and may not reapply for certification or licensure in the state of Ohio; and

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

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

2. **RESOLUTION TO ACCEPT THE PERMANENT VOLUNTARY SURRENDER AND DENIAL OF LICENSES FORM SIGNED BY ALAN L. OSTERHOLT 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 Alan L. Osterholt has applied for and/or has been issued a license, permit, or certificate by the Ohio Department of Education; and

WHEREAS on November 16, 2021, the Ohio Department of Education received a permanent voluntary surrender and denial of licenses form from Alan L.

Osterholt 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. Osterholt's decision not to participate in any further proceedings pursuant to Ohio Revised Code 3319.311; and

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

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

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

It was Moved by Ms. Johnson and Seconded by Mr. LaRue that the Consent Agenda (Items 1-2) be approved.

President McGuire called for a roll call vote.

YES VOTES

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

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

Motion carried.

Mrs. Manchester presented the following recommendation (Item 3):

3. RESOLUTION TO ADOPT CHANGES TO OHIO ADMINISTRATIVE CODE 3301-24-25 / SENIOR PROFESSIONAL EDUCATOR LICENSE RENEWAL AND 3301-24-26 / LEAD PROFESSIONAL EDUCATOR LICENSE RENEWAL

The State Board of Education (“Board”) hereby **ADOPTS** changes to Ohio Administrative Code (OAC) 3301-24-25 / Senior Professional Educator License Renewal and 3301-24-26 / Lead Professional Educator License Renewal as follows:

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

ORC 3319.22 requires the board to adopt rules establishing the standards and requirements for obtaining each educator license issued under that section, including the senior professional educator license and lead professional educator license;

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

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

Changes to these rules include updating language to better align with the requirements for professional license renewal under OAC 3301-24-08 and to provide greater clarity;

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

NOW, THEREFORE, BE IT RESOLVED, that the Board adopts changes to OAC 3301-24-25 / Senior Professional Educator License Renewal and 3301-24-26 / Lead Professional Educator License Renewal in the form attached hereto;

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

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

It was Moved by Mrs. Manchester that the above recommendation (Item 3) be approved.

Mr. Shea moved to amend the resolution to remove the word “Wellness” from the rule. Mr. Hagan seconded the motion. Mr. Shea stated that rules are reviewed every five years and a large focus is to improve clarity. He felt the word “wellness” does not improve clarity and is extremely vague and subject to a myriad of interpretations.

Dr. Collins stated the word “wellness” was referenced in Ohio Administrative Code.

Ms. Johnson spoke against the proposed amendment. She felt it was important to look at a student’s academic needs as well as their non-academic needs.

Mrs. Fessler spoke in favor of the proposed amendment. She stated in the committee process, she had sought the insertion of language that was more descriptive of what wellness meant in the context of the rule.

Mrs. Hill stated she would support the proposed amendment and voted against having the words success and wellness added.

Mr. Hagan stated he supported the proposed amendment and believed wellness is in the eye of the beholder, especially when referencing mental health and issues around behavior.

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

YES VOTES

Walter Davis	Diana Fessler
John Hagan	Kirsten Hill
Jenny Kilgore	Brendan Shea

NO VOTES

Christina Collins	Stephen Dackin
Meryl Johnson	Mark Lamoncha
Paul LaRue	Martha Manchester
Charlotte McGuire	Tim Miller
Antoinette Miranda	Michelle Newman
Mike Toal	

Motion defeated.

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

YES VOTES

Christina Collins	Stephen Dackin
Meryl Johnson	Jenny Kilgore
Mark Lamoncha	Paul LaRue
Martha Manchester	Charlotte McGuire
Tim Miller	Antoinette Miranda
Michelle Newman	Mike Toal

NO VOTES

Walter Davis	Diana Fessler
John Hagan	Kirsten Hill

Brendan Shea

Motion carried.

Dr. Kilgore presented the following recommendation (Item 4):

4. **RESOLUTION TO RESCIND OHIO ADMINISTRATIVE RULE 3301-55-01/
MINIMUM STANDARDS FOR CHARTERING COUNTY BOARD OF
DEVELOPMENTAL DISABILITIES SPECIAL EDUCATION SCHOOLS
AND OHIO ADMINISTRATIVE RULE 3301-53-01/ MINIMUM
STANDARDS FOR CHARTERING SPECIAL EDUCATION PROGRAMS
IN STATE DEVELOPMENTAL CENTERS AND HOSPITALS OF THE
DEPARTMENT OF DEVELOPMENTAL DISABILITIES AND THE
DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES AND
ADOPT NEW RULES BEARING THE SAME NUMBERS**

The State Board of Education (“Board”) hereby **ADOPTS** changes to Ohio Administrative Code (OAC) 3301-53-01/ Minimum Standards for Chartering Board of Developmental Disabilities Special Education Schools and OAC 3301-55-01/Minimum Standards for Chartering Special Education Programs in State Developmental Centers and Hospitals of the Department of Developmental Disabilities and the Department of Health and Addiction Services as follows:

Ohio Revised Code (ORC) 3301.07(J) requires the Board to “adopt procedures, standards, and guidelines for the education of children pursuant to Chapter 3323. of the Revised Code, including procedures, standards, and guidelines governing programs and services operated by county boards of developmental disabilities pursuant to section 3323.09 of the Revised Code;”

In accordance with Legislative Service Commission Rule Drafting Manual Section 4.3.1, since more than 50 percent of the rule is being amended, the existing rule is being rescinded and a new rule, bearing the same number is being recommended for adoption;

This rule is being rescinded and adopted as part of the five-year rule review process; and

The Integrated Student Supports Committee recommended that the Board approve the proposed revision to OAC 3301-53-01 and OAC 3301-55-01 in the form attached hereto;

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

It was Moved by Dr. Kilgore that the above recommendation (Item 4) be approved.

President McGuire called for a roll call vote.

YES VOTES

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

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

ABSTAIN

Diana Fessler

Motion carried.

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

5. RESOLUTION TO ADOPT PROPOSED AMENDMENTS TO OHIO ADMINISTRATIVE RULE 3301-53-03 / EXCESS COST CHARGES FOR COUNTY BOARD OF DEVELOPMENTAL DISABILITIES FOR SPECIAL EDUCATION PROGRAMS

The State Board of Education (“Board”) hereby **ADOPTS** changes to Ohio Administrative Code (OAC) 3301-53-03 / Excess Cost Charges for County Board of Developmental Disabilities for Special Education Programs as follows:

Ohio Revised Code (ORC) 3301.07(J) requires the Board to “adopt procedures, standards, and guidelines for the education of children pursuant to Chapter 3323. of the Revised Code, including procedures, standards, and guidelines governing programs and services operated by county boards of developmental disabilities pursuant to section 3323.09 of the Revised Code;”

ORC 3323.142 allows school districts and county boards of developmental disabilities to contract for payments by the school district to the county board for “additional services provided to a child placed with the county board and whose individualized education program established pursuant to section 3323.08 of the Revised Code requires additional services that are not routinely provided children in the county board's program but are necessary to maintain the child's enrollment and participation in the program;”

This rule is being amended as part of the five-year rule review process as required by law; and

The Integrated Student Supports Committee recommended that the Board approve the proposed revision to OAC 3301-53-03 in the form attached hereto;

NOW, THEREFORE, BE IT RESOLVED, that the Interim Superintendent of Public Instruction or her designee be, and hereby is, directed to file the rule with

the proper agencies, and the same be made available upon request, without charge, to all persons affected by said rule.

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

President McGuire called for a roll call vote.

YES VOTES

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

Motion carried.

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

6. RESOLUTION TO ADOPT OHIO ADMINISTRATIVE CODE 3301-83-25 / TRANSPORTATION COLLABORATION GRANT

The State Board of Education (“Board”) hereby **ADOPTS** new administrative rule Ohio Administrative Code (OAC) 3301-83-25 as follows:

Ohio Revised Code (ORC) 3317.072, as introduced by House Bill 110 of the 134th General Assembly, requires the Department of Education (“Department”) to adopt rules pertaining to the transportation collaboration grants authorized under that section;

ORC 3317.072 requires the Department to adopt rules regarding the following:

- The process for city, local, and exempted village school districts to submit applications for grants awarded under that section, including the deadline for applications to be submitted;
- The application form for grants awarded under that section;
- The requirements and process for grant recipients to be eligible to renew their grants in future fiscal years; and
- Any other rules necessary to implement the provisions of that section;

This rule contains the requisite provisions pertaining to the grants to be administered in fiscal years 2022 and 2023;

The rule also includes language to make the rule applicable to any grants administered in subsequent fiscal years should the General Assembly reauthorize the grant and appropriate funds to support it beyond fiscal year 2023;

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

NOW, THEREFORE, BE IT RESOLVED, that the Board adopts new administrative rule OAC 3301-83-25 in the form attached hereto;

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

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

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

President McGuire called for a roll call vote.

YES VOTES

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

Motion carried.

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

7. RESOLUTION TO REVOKE THE THREE-YEAR PUPIL ACTIVITY PERMIT OF LEVI HIVELY

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

WHEREAS Levi Hively holds a three-year pupil activity permit issued in 2019; and

WHEREAS on October 26, 2021, the Interim State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Levi Hively of its

intent to determine whether to limit, suspend, revoke, or permanently revoke his three-year pupil activity permit issued in 2019 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Hively's 2021 conviction in the Mahoning County Court #3 for one misdemeanor count of disorderly conduct, 2021 conviction in the Mahoning County Court #3, in a separate case, for one misdemeanor count of operating a vehicle under the influence of alcohol or drugs (OVI), 2019 conviction in the Girard Municipal Court for one minor misdemeanor count of disorderly conduct, and 2016 conviction in the Mahoning County Court #2 for one misdemeanor count of operating a vehicle under the influence of alcohol or drugs (OVI); and

WHEREAS the notice informed Mr. Hively 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 2019; and

WHEREAS Levi Hively did not request a hearing in accordance with Section 119.07 of the Ohio Revised Code; and

WHEREAS the State Board of Education has reviewed the affidavit of the director of the Office of Professional Conduct, the State Board of Education's Notice of Opportunity for Hearing, certified court records from the Mahoning County Court #3, Girard Municipal Court, and Mahoning County Court #2, and certified police records from the Goshen Police Department; and

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

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Levi Hively's three-year pupil activity permit issued in 2019 based upon Mr. Hively's 2021 conviction in the Mahoning County Court #3 for one misdemeanor count of disorderly conduct, 2021 conviction in the Mahoning County Court #3, in a separate case, for one misdemeanor count of operating a vehicle under the influence of alcohol or drugs (OVI), 2019 conviction in the Girard Municipal Court for one minor misdemeanor count of disorderly conduct, and 2016 conviction in the Mahoning County Court #2 for one misdemeanor count of operating a vehicle under the influence of alcohol or drugs (OVI). Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that Levi Hively be ineligible to apply for any license, permit, or certificate issued by the State Board of Education until January 11, 2025 and until he provides written verification to the Ohio Department of Education that he has completed, at his own expense, a drug/alcohol assessment by a licensed counselor, who is approved in advance by

the Ohio Department of Education, and he has successfully completed all counseling and/or treatment recommended by the licensed counselor. Upon being issued a license, permit, or certificate by the State Board of Education, Mr. Hively must complete, at his own expense, two years of random drug/alcohol testing as determined by the Ohio Department of Education; and, Be It Further

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

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

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

President McGuire called for a roll call vote.

YES VOTES

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

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

Motion carried.

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 STRIKE IN PART THE OBJECTIONS TO THE HEARING OFFICER'S REPORT AND RECOMMENDATION, AND TO REVOKE THE FIVE-YEAR PROFESSIONAL SPECIAL ALL GRADES TEACHING LICENSE OF LONNY J. JARRETT**

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

WHEREAS Lonny J. Jarrett holds a five-year professional special all grades teaching license issued in 2018; and

WHEREAS on October 23, 2020, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Lonny J. Jarrett of its intent to determine whether to limit, suspend, revoke, or permanently revoke his five-year professional special all grades teaching license issued in 2018 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Jarrett engaging in the following conduct that is unbecoming to the teaching profession: on or about the 2018-2019 school year, while employed as a physical education teacher with the Tri-Valley Local School District, Mr. Jarrett took a picture of his genitalia while on school premises; and on or about February 13, 2019, he sent a picture of his genitalia to a parent of a student in the district via electronic communications; and

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

WHEREAS a hearing was held on June 22, 2021; and

WHEREAS Mr. Jarrett was present at the hearing, but he was not represented by counsel; and

WHEREAS the hearing officer recommends that Mr. Jarrett's teaching license be revoked and that he be prohibited from applying for a license, permit, or certificate issued by the State Board of Education for a period of five years and that, prior to reapplication, he be required to complete a fitness to teach evaluation, ten hours of training on professionalism and use of social media, and four hours of sexual harassment training, and should he be issued a license, permit, or certificate in the future by the State Board of Education and obtain employment as an educator in Ohio, that he be required to complete two years of administrative reporting effective from the date of his employment as an Ohio educator. The hearing officer's recommendation is based upon Mr. Jarrett engaging in conduct that is unbecoming to the teaching profession and wholly inappropriate when he took a picture of his penis while at school and later sent this picture to the parent of school students; and

WHEREAS Mr. Jarrett timely filed objections to the hearing officer's report and recommendation; and

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

WHEREAS the hearing officer recommends that the Ohio Department of Education's motion to strike Mr. Jarrett's objections in part be granted based upon portions of Mr. Jarrett's objections introducing additional assertions and evidence not in the administrative record; and

WHEREAS the State Board of Education considered the hearing officer's recommendation to strike in part Mr. Jarrett's objections, the hearing officer's entry dated November 16, 2021, and Mr. Jarrett's objections as stricken in accordance with the hearing officer's recommendation in his November 16, 2021 entry; and

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

RESOLVED, that the State Board of Education accepts the hearing officer's recommendation to strike in part Lonny J. Jarrett's objections; and Be It Further

RESOLVED, that the State Board of Education hereby **STRIKES IN PART** Lonny J. Jarrett's objections in accordance with the hearing officer's entry dated November 16, 2021; and Be It Further

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **REVOKES** Lonny J. Jarrett's five-year professional special all grades teaching license issued in 2018 based upon Mr. Jarrett engaging in the following conduct that is unbecoming to the teaching profession: on or about the 2018-2019 school year, while employed as a physical education teacher with the Tri-Valley Local School District, Mr. Jarrett took a picture of his genitalia while on school premises; and on or about February 13, 2019, he sent a picture of his genitalia to a parent of a student in the district via electronic communications. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that Lonny J. Jarrett be ineligible to reapply for any license, permit, or certificate issued by the State Board of Education until on or after January 11, 2027, provided that he submits written verification to the Ohio Department of Education that he has completed, at his own expense, a fitness to teach evaluation by a licensed psychologist or psychiatrist, who is preapproved by the Ohio Department of Education and who determines that Mr. Jarrett is fit to serve in the school community as an educator and does not pose a threat to the safety and welfare of students and the school community, and that he has completed, at his own expense, ten hours of professionalism and use of social media training and four hours of sexual harassment training, with all training to be approved in advance by the Ohio Department of Education. Further, the State Board of Education orders that if Lonny J. Jarrett is issued a new license, permit, or certificate by the State Board of Education and obtains employment as an educator in Ohio, he must complete two years of administrative reporting with the Ohio Department of Education, to commence on the start date of his employment as an Ohio educator; and, Be It Further

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

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

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

Mrs. Fessler moved to postpone Item 8 to the February meeting of the Board. Mr. LaRue seconded the motion. Mrs. Fessler stated the purpose of the request was to allow the Department time to incorporate proposed changes to the resolution.

President McGuire called for a roll call vote to postpone Item 8 to the February meeting of the Board.

YES VOTES

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

NO VOTES

Antoinette Miranda

ABSTAIN

Charlotte McGuire

Motion carried.

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

9. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO ISSUE AND SUSPEND THE FIVE-YEAR SUBSTITUTE CAREER TECHNICAL WORKFORCE DEVELOPMENT TEACHING LICENSE APPLICATION OF KENNETH W. KENNEDY

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

WHEREAS Kenneth W. Kennedy held a five-year substitute career technical teaching license issued in 2016 and has applied for a five-year substitute career technical teaching license; and

WHEREAS on September 12, 2019, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Kenneth W. Kennedy of its intent to determine whether to limit, suspend, revoke, or permanently revoke his five-year substitute career technical teaching license issued in 2016 pursuant to Ohio Revised Code 3319.31(B)(1). Due to the June 30, 2021 expiration of Mr. Kennedy's five-year substitute career technical teaching license issued in 2016 and Mr. Kennedy's submission of an application for a five-

year substitute career technical workforce development teaching license, the notice was amended on July 28, 2021, at the outset of the second day of the hearing, to convert the notice from consideration of whether to limit, suspend, revoke or permanently revoke Mr. Kennedy's five-year substitute career technical teaching license issued in 2016 to consideration of whether to deny or permanently deny Mr. Kennedy's application for a five-year substitute career technical workforce development teaching license pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Mr. Kennedy engaging in conduct unbecoming to the teaching profession on or about the 2016-2017 school year, while employed as a teacher with the Mansfield City School District, when he failed to maintain a professional relationship with students by staring at the buttocks of a student (Student 1), pulling on Student 1's braided hair, and staring at the breasts of another student (Student 2); and also engaging in conduct unbecoming to the teaching profession on or about the 2016-2017 school year, while employed as a teacher with the Mansfield City School District, by making inappropriate comments to students, specifically by commenting about the size of Student 2's breasts; and

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

WHEREAS a hearing was held on June 8, 2021 and July 28, 2021; and

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

WHEREAS the hearing officer recommends that Mr. Kennedy's application for a five-year substitute career technical workforce development teaching license be issued and suspended for a period of two years, and until Mr. Kennedy completes a fitness to teach evaluation and complies with any recommendations made by the evaluator and also completes eight hours of training on professional boundaries, ethics, and professionalism. The hearing officer further recommends that Mr. Kennedy be prohibited from applying or reapplying for any license, permit, or certificate issued by the State Board of Education during the suspension period. The hearing officer's recommendation is based upon Mr. Kennedy engaging in a pattern of harassment towards at least two minor female students in his class that left long term emotional and psychological scarring and that an educator who engages in harassment in the classroom presents a potential risk to the health, safety, and welfare of the school community; and

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), hereby **ISSUES** Kenneth W. Kennedy's application for a five-year substitute career technical workforce development teaching license but **SUSPENDS** this license beginning on January 11, 2022 and ending on January 11, 2024, with the suspension to continue until Mr. Kennedy provides written verification to the Ohio Department of Education that he has completed, at his own expense, a fitness to teach evaluation by a licensed psychologist or

psychiatrist, who is preapproved by the Ohio Department of Education and who determines that Mr. Kennedy is fit to serve in the school community as an educator and does not pose a threat to the safety and welfare of students and the school community, and that he has completed any recommendations made by the licensed psychologist or psychiatrist, and until he provides written verification to the Ohio Department of Education that he has completed, at his own expense, eight hours of combined training on student-teacher boundaries, ethics, and professionalism, with all training to be approved in advance by the Ohio Department of Education. Furthermore, during the suspension period, Mr. Kennedy is prohibited from applying or reapplying for any license, permit, or certificate issued by the State Board of Education. The suspension is based upon Mr. Kennedy engaging in conduct unbecoming to the teaching profession on or about the 2016-2017 school year, while employed as a teacher with the Mansfield City School District, when he failed to maintain a professional relationship with students by staring at the buttocks of a student (Student 1), pulling on Student 1's braided hair, and staring at the breasts of another student (Student 2); and also engaging in conduct unbecoming to the teaching profession on or about the 2016-2017 school year, while employed as a teacher with the Mansfield City School District, by making inappropriate comments to students, specifically by commenting about the size of Student 2's breasts; and, Be It Further

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

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

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

Mr. Shea moved to postpone Item 9 to the February meeting of the Board. Mr. Davis seconded the motion. Mr. Shea stated the purpose of the request was to allow the Department time to produce an amendment to the resolution.

Mrs. Hill asked for clarification regarding the proposed amendment that Mr. Shea would be offering. Mr. Shea stated his proposed amendment would deny the application rather than suspending the license.

President McGuire called for a roll call vote to postpone Item 9 to the February meeting of the Board.

YES VOTES

Christina Collins
Walter Davis
John Hagan
Jenny Kilgore

Stephen Dackin
Diana Fessler
Kirsten Hill
Mark Lamoncha

Paul LaRue
Tim Miller
Brendan Shea

Martha Manchester
Michelle Newman
Mike Toal

NO VOTES

Meryl Johnson

Antoinette Miranda

ABSTAIN

Charlotte McGuire

Motion carried.

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

10. RESOLUTION TO ACCEPT THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER TO REVOKE PERMANENTLY THE ONE-YEAR EDUCATIONAL AIDE PERMIT OF ALCYIA C. LEE

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

WHEREAS Alycia C. Lee held a one-year educational aide permit issued in 2018; and

WHEREAS on October 23, 2020, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Alycia C. Lee of its intent to determine whether to limit, suspend, revoke, or permanently revoke her one-year educational aide permit issued in 2018 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Lee engaging in conduct that is unbecoming to the teaching profession on or about December 13, 2018, when she had an inappropriate physical altercation with a student which included, but is not limited to, Ms. Lee placing the student in a headlock and/or wrapping her arm around the student's throat and not letting the student go. The notice was also based upon Ms. Lee's 2017 conviction in the Vandalia Municipal Court for one misdemeanor count of disorderly conduct, 2010 conviction in the Dayton Municipal Court for one misdemeanor count of disorderly conduct, and 2004 conviction in the Dayton Municipal Court for one misdemeanor count of disorderly conduct. Further, the notice included as an aggravating factor that on or about January 28, 2019, the Montgomery County Department of Job & Family Services substantiated physical abuse based upon Ms. Lee's actions during the incident with the student on December 13, 2018; and

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

WHEREAS a hearing was held on September 1, 2021; and

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

WHEREAS the hearing officer recommends that Ms. Lee's permit be revoked and that she be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education. The hearing officer's recommendation is based upon the nature and seriousness of Ms. Lee placing a special needs student in a chokehold, lifting the student off the ground and making it hard for the student to breath, as well as the extent of Ms. Lee's past criminal activity which consisted of three misdemeanor convictions for disorderly conduct; 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** Alycia C. Lee's one-year educational aide permit issued in 2018 based upon Ms. Lee engaging in conduct that is unbecoming to the teaching profession on or about December 13, 2018, when she had an inappropriate physical altercation with a student which included, but is not limited to, Ms. Lee placing the student in a headlock and/or wrapping her arm around the student's throat and not letting the student go; and also based upon Ms. Lee's 2017 conviction in the Vandalia Municipal Court for one misdemeanor count of disorderly conduct, 2010 conviction in the Dayton Municipal Court for one misdemeanor count of disorderly conduct, and 2004 conviction in the Dayton Municipal Court for one misdemeanor count of disorderly conduct. Pursuant to Ohio Administrative Code Rule 3301-73-21(B), the State Board of Education further considers in aggravation that on or about January 28, 2019, the Montgomery County Department of Job & Family Services substantiated physical abuse based upon Ms. Lee's actions during the incident with the student on December 13, 2018. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(b), orders Alycia C. Lee be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education; and, Be It Further

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

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

President McGuire called for a roll call vote.

YES VOTES

Christina Collins
Walter Davis
John Hagan
Meryl Johnson
Mark Lamoncha
Martha Manchester
Tim Miller

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

Michelle Newman
Mike Toal

Brendan Shea

Motion carried.

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

11. RESOLUTION TO DENY PERMANENTLY THE ONE-YEAR SUBSTITUTE CAREER TECHNICAL TEACHING LICENSE APPLICATION OF ANTHONY M. MIERZEJEWSKI

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

WHEREAS Anthony M. Mierzejewski has applied for a one-year substitute career technical teaching license; and

WHEREAS on October 14, 2021, the Interim State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Anthony M. Mierzejewski of its intent to deny or permanently deny his application for a one-year substitute career technical teaching license pursuant to Ohio Revised Code 3319.31(B)(1), [redacted in accordance with Ohio law], and 3319.31(B)(2)(c). The notice was based upon Mr. Mierzejewski's 2021 conviction in the Sandusky County Court Number 2 - Woodville for one misdemeanor count of disorderly conduct, 2014 conviction in the Delaware County Municipal Court for one misdemeanor count of theft, 2010 conviction in the Toledo Municipal Court for one misdemeanor count of obstructing official business, 2006 conviction in the Toledo Municipal Court for one misdemeanor count of failure to abate a nuisance, 2006 conviction in the Toledo Municipal Court for one minor misdemeanor count of disorderly conduct, [redacted in accordance with Ohio law], 1998 conviction in the Toledo Municipal Court for one misdemeanor count of violating a temporary protection order, and 1995 conviction in the Toledo Municipal Court for one minor misdemeanor count of disorderly conduct. Further, the notice included as an aggravating factor that on or about August 14, 2001, Mr. Mierzejewski was disciplined by the State Board of Education when he entered into a consent agreement based on his falsification of his application for a license; and

WHEREAS the notice informed Mr. Mierzejewski that if he fails within thirty days to request a hearing in accordance with Section 119.07 of the Ohio Revised Code, the State Board of Education will proceed to deny or permanently deny his application for a one-year substitute career technical teaching license; and

WHEREAS Anthony M. Mierzejewski 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, Mr. Mierzejewski's 2001 consent agreement with State Board of Education, and certified court records from the Sandusky County Court Number 2 - Woodville, Delaware County Municipal Court, Toledo

Municipal Court, and the [redacted in accordance with Ohio law], and certified police records from the Woodville Police Department; and

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

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1), [redacted in accordance with Ohio law], and 3319.31(B)(2)(c), hereby **DENIES** Anthony M. Mierzejewski's application for a one-year substitute career technical teaching license based upon Mr. Mierzejewski's 2021 conviction in the Sandusky County Court Number 2 - Woodville for one misdemeanor count of disorderly conduct, 2014 conviction in the Delaware County Municipal Court for one misdemeanor count of theft, 2010 conviction in the Toledo Municipal Court for one misdemeanor count of obstructing official business, 2006 conviction in the Toledo Municipal Court for one misdemeanor count of failure to abate a nuisance, 2006

conviction in the Toledo Municipal Court for one minor misdemeanor count of disorderly conduct, [redacted in accordance with Ohio law], 1998 conviction in the Toledo Municipal Court for one misdemeanor count of violating a temporary protection order, and 1995 conviction in the Toledo Municipal Court for one minor misdemeanor count of disorderly conduct. Pursuant to Ohio Administrative Code Rule 3301-73-21(B), the State Board of Education further considers in aggravation that on or about August 14, 2001, Mr. Mierzejewski was disciplined by the State Board of Education when he entered into a consent agreement based on his falsification of his application for a license. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders that Anthony M. Mierzejewski be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education; and, Be It Further

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

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

President McGuire called for a roll call vote.

YES VOTES

Christina Collins
Walter Davis

Stephen Dackin
Diana Fessler

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

Kirsten Hill
Jenny Kilgore
Paul LaRue
Charlotte McGuire
Antoinette Miranda
Brendan Shea

Motion carried.

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 DENY PERMANENTLY THE ONE-YEAR SUPPLEMENTAL INTERVENTION SPECIALIST TEACHING LICENSE APPLICATION AND TO REVOKE PERMANENTLY THE PERMANENT NON-TAX TEACHING CERTIFICATE OF TONYA D. WAGNER HEYMAN (AKA TONYA D. RADEBAUGH)

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

WHEREAS Tonya D. Wagner Heyman (aka Tonya D. Radebaugh) has applied for a one-year supplemental intervention specialist teaching license and holds a permanent non-tax teaching certificate issued in 2007; and

WHEREAS on November 1, 2019, the State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Tonya D. Wagner Heyman of its intent to deny or permanently deny her application for a one-year supplemental intervention specialist teaching license and to limit, suspend, revoke, or permanently revoke her permanent non-tax teaching certificate issued in 2007 pursuant to Ohio Revised Code 3319.31(B)(1). The notice was based upon Ms. Wagner Heyman engaging in conduct that is unbecoming to the teaching profession on or about October 20, 2017, when she falsified, intentionally misrepresented, willfully omitted or was negligent in reporting her college credit when applying for licensure with the Ohio Department of Education, specifically by submitting a falsified Bowling Green State University transcript in support of her application for a one-year supplemental intervention specialist teaching license. Further, the notice included as an aggravating factor that on or about May 13, 1998, Ms. Wagner Heyman's four-year provisional kindergarten-elementary teaching license issued in 1992, her four-year professional kindergarten-elementary teaching certificate issued in 1987 with an effective year of 1986, and her four-year provisional kindergarten-elementary teaching certificate issued in 1982 were revoked by the State Board of Education based on *[redacted in accordance with Ohio law]*; and

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

WHEREAS a hearing was held on September 22, 2021; and

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

WHEREAS the hearing officer recommends that Ms. Wagner Heyman's application be denied, her teaching certificate 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. Wagner Heyman purposely, knowingly, and deliberately falsifying her Bowling Green University transcript to make it appear she had taken coursework and possessed the qualifications for a renewal of her credential when, in fact, she did not and, that given her past discipline by the State Board of Education, she can no longer be trusted to act ethically and professionally; 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** Tonya D. Wagner Heyman's application for a one-year supplemental intervention specialist teaching license and **REVOKES** Tonya D. Wagner Heyman's permanent non-tax teaching certificate issued in 2007 based upon Ms. Wagner Heyman engaging in conduct that is unbecoming to the teaching profession on or about October 20, 2017, when she falsified, intentionally misrepresented, willfully omitted or was negligent in reporting her college credit when applying for licensure with the Ohio Department of Education, specifically by submitting a falsified Bowling Green State University transcript in support of her application for a one-year supplemental intervention specialist teaching license. Pursuant to Ohio Administrative Code Rule 3301-73-21(B), the State Board of Education further considers in aggravation that on or about May 13, 1998, Ms. Wagner Heyman's four-year provisional kindergarten-elementary teaching license issued in 1992, her four-year professional kindergarten-elementary teaching certificate issued in 1987 with an effective year of 1986, and her four-year provisional kindergarten-elementary teaching certificate issued in 1982 were revoked by the State Board of Education based on her *[redacted in accordance with Ohio law]*. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(3)(b), orders Tonya D. Wagner Heyman be permanently ineligible to apply for any license, permit, or certificate issued by the State Board of Education; and, Be It Further

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

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

President McGuire called for a roll call vote.

YES VOTES

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

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

Motion carried.

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

13. RESOLUTION TO REVOKE THE THREE-YEAR PUPIL ACTIVITY PERMIT OF MOZELL M. WHITTAKER

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

WHEREAS Mozell M. Whittaker holds a three-year pupil activity permit issued in 2019; and

WHEREAS on October 26, 2021, the Interim State Superintendent of Public Instruction, on behalf of the State Board of Education, notified Mozell M. Whittaker of its intent to determine whether to limit, suspend, revoke, or permanently revoke his three-year pupil activity permit issued in 2019 pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(a). The notice was based upon Mr. Whittaker's 2021 plea of guilty in the Cuyahoga County Court of Common Pleas to one felony count of carrying concealed weapons and one felony count of improperly handling firearms in a motor vehicle and his subsequent entry into the court's diversion program; and

WHEREAS the notice informed Mr. Whittaker 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 2019; and

WHEREAS Mozell M. Whittaker did not request a hearing in accordance with Section 119.07 of the Ohio Revised Code; and

WHEREAS the State Board of Education has reviewed the affidavit of the director of the Office of Professional Conduct, the State Board of Education's Notice of Opportunity for Hearing, and certified court records from the Cuyahoga County Court of Common Pleas; and

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

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

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

RESOLVED, That the State Board of Education, pursuant to Ohio Revised Code 3319.31(B)(1) and (B)(2)(a), hereby **REVOKES** Mozell M. Whittaker's three-year pupil activity permit issued in 2019 based upon Mr. Whittaker's 2021 plea of guilty in the Cuyahoga County Court of Common Pleas to one felony count of carrying concealed weapons and one felony count of improperly handling firearms in a motor vehicle and his subsequent entry into the court's diversion program. Further, the State Board of Education, in accordance with Ohio Administrative Code Rule 3301-73-22(A)(2)(a), orders that Mozell M. Whittaker be ineligible to apply for any license, permit, or certificate issued by the State Board of Education until on or after January 11, 2025, and upon reapplication, he must submit written verification to the Ohio Department of Education that he has completed his diversion program in Case No. CR-20-650385-A and submit written verification that he has completed, at his own expense, eight hours of training in ethics, with all training to be approved in advance by the Ohio Department of Education; and, Be It Further

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

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

President McGuire called for a roll call vote.

YES VOTES

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

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

Motion carried.

Vice President Dackin requested that Item 14 be removed from the Voting Agenda and return for consideration at a later date. President McGuire asked if there were any objections. There were no objections.

14. MOTION TO APPROVE THE POSITION DESCRIPTION FOR THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

NON-RESOLUTIONS
Old Business

Mr. Davis stated that after his request last month regarding Senate Bill 1, which adopted Financial Literacy curriculum for K-12 in the state of Ohio. He had stated there was a gap in those standards in that they do not address free market capitalism and how it works. He suggested the state Board take action to modify those standards to include an element that explains free market capitalism and how it works. President McGuire assigned the item to the Teaching, Leading and Learning Committee. He stated he was seriously concerned with this item being placed in that committee. He did not feel the issue was placed well in this committee. He suggested the following: 1) Place the item in the Emerging Issues and Operational Standards Committee. This was the initial committee where President McGuire had assigned the topic to. He stated he had been approached by six other Board members offering their assistance. A larger number of these Board members were assigned to this committee. 2) Have President McGuire establish an Ad-hoc committee to address this item. 3) Have President McGuire establish a team to address this item. 4) If President McGuire is not satisfied with the recommendations listed, he could communicate with the legislature, where he stated there was support for this item. Mr. Davis asked that President McGuire consider these recommendations as a formal request. President McGuire thanked Mr. Davis for his suggestions and would consider his request. She asked for some time to consider his request and would be meeting with leadership. Mr. LaRue stated he shared Mr. Davis' passion for this item and noted that curriculum revisions due tend to come through the Teaching, Leading and Learning committee.

Mrs. Fessler asked for a status update to the issue she brought up at the last meeting of the Board where a guest was denied the use of the restroom. President McGuire stated she had consulted with building security and the individual in question was not signed in as a guest to participate in the Board meeting. She also stated the building did not have general access to restrooms for the public.

New Business

Ms. Newman stated the new format for the meeting were not really committees anymore, rather they were themed sections of the meeting. She had a concern about this moving forward and the Board being nimble and able to address all the work required.

Dr. Miranda requested emergency consideration for the following recommendation (Item 15). Dr. Miranda noted there was a time constraint for this item. Board leadership granted emergency consideration for this item.

15. RESOLUTION TO ADOPT CHANGES TO OHIO ADMINISTRATIVE CODE 3301-102-02 THROUGH 3301-102-05 AND 3301-102-07 / COMMUNITY SCHOOLS

The State Board of Education (“Board”) hereby **ADOPTS** changes to Ohio Administrative Code (OAC) 3301-102-02 through 3301-102-05 and 3301-102-07/ Community Schools as follows:

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

ORC 3314.015 requires the Board to adopt rules containing criteria, procedures, and deadlines for processing applications for approval of sponsors, for oversight of sponsors, for notifying a sponsor of noncompliance with applicable laws and administrative rules, for revocation of the approval of sponsors, and for entering into written agreements with sponsors;

The rules are being amended to provide language that is consistent with provisions within ORC Chapter 3314, to remove language which is repetitive of statute, and to clarify the process for revoking a sponsor’s sponsorship authority;

These amended rules were prepared in collaboration with stakeholders chosen by the Ohio Association of Charter School Authorizers. The Department also received public comment from stakeholders during the public comment period and all comments were taken into consideration in making further amendments to the proposed rules;

The Emerging Issues and Operational Standards Committee adopted these rules in the form attached hereto at its January 2022 meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Board adopts changes to 3301-102-02 through -05 and 3301-102-07/ Community Schools in the form attached hereto;

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

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

It was Moved by Dr. Miranda that the above recommendation (Item 15) be approved.

Mr. Hagan wanted to confirm the final change that was discussed yesterday appears in the final document. Department staff confirmed “either” had been removed and “knowingly” added.

Mrs. Fessler stated she was not necessarily opposed to the rule but was not in favor of emergencies and would be abstaining from the vote.

Dr. Miranda stated the delay in bringing these rules forward was to address concerns by committee members.

President McGuire called for a roll call vote.

YES VOTES

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

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

ABSTAIN

Diana Fessler

Motion carried.

Mrs. Hill suggested the tables could be re-arranged to address Ms. Newman's concern regarding committee meetings being held in the main board room.

Mrs. Hill stated she would like to see greater clarity regarding what is mandatory and what is optional that is posted on the Department's website for the standards and model curriculum. Superintendent Siddens stated that during her presentation in February on standards, she would address what is required in statute.

Mrs. Fessler suggested in moving forward with the meeting format regarding committees, non-committee members could function as observers. She felt she needed to be present for the presentations to gain the background for voting on the items.

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

The President requested a voice vote.

Motion carried.

President McGuire adjourned the meeting at 4:15 p.m. The next regularly scheduled meeting of the State Board of Education is February 14-15, 2022.

ATTEST:



Charlotte McGuire

Dr. Stephanie K. Siddens

President
State Board of Education

Interim Superintendent of Public Instruction

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