

Ohio Board of Education
Debate & Vote
on
Removal of "Critical-Analysis"
from
Ohio Standards and Model Curriculum

(Unofficial transcript)

February 14, 2006

Present: Virgil Brown, Michael Cochran, Jim Craig, Colleen Grady, Lou Ann Harrold, Robin Hovis, Stephen Millett, Eric Okerson, Deborah Owens Fink, Sam Schloemer, Jane Sonenshein, Jennifer Stewart (vice president), Sue Westendorf (president), Carl Wick, Martha Wise.

Absent: Richard Baker, John Griffin, Emerson Ross, Jennifer Sheets.

Westendorf

Is there any new business? Miscellaneous business? Mrs. Grady.

Wise

Excuse me Madam Chairman.

Westendorf

She had ... I watched them both come up.

Wise

Point of order.

Westendorf

Point of order. Yes.

Wise

I asked you three days - two days ago on Sunday, that I would have a resolution and I intend to have that brought up under miscellaneous business.

Westendorf

Mrs Grady asked me also. I tried to look both sides. Mrs Grady, would you defer to Mrs Wise, and let her go first with her resolution?

Grady

Madam President, I respect Mrs Wise's resolution. However, there are a variety of resolutions that I have seen circulated today, some of which are mutually exclusive, some of which would in fact fit together. I would appreciate having my resolution heard first.

Westendorf

It is the president's prerogative to call on a person. I will call on Mrs Grady first.

Grady

Thank you, Madam President. I would like to move the adoption of the following resolution. I have, I believe, distributed a copy to everyone. If you do not have one I have a few additional.

Whereas the constitutionality of a portion of Ohio's academic content standards in science, specifically the grade ten life science benchmark H and indicator 23, have been called into question; and

Whereas the constitutionality of one of the [inaudible] exemplar lessons entitled "Critical Analysis of Evolution" grade ten has also been questioned; and

Whereas subsequent to the adoption of the academic content standards in science and the "Critical Analysis of Evolution" lesson, courts around the country have issued decisions concerning the first amendment and its applicability to the evolution debate;

Now therefore be it resolved that the State Board of Education requests, and that it hereby respectfully requests that with all deliberate speed the office of the Attorney General of Ohio conduct a thorough legal analysis of the grade ten life science benchmark H and the indicator 23, as well as the model lesson entitled "Critical Analysis of Evolution" grade 10, found in exemplar lessons for model curriculum set A and that the Attorney General advise this board, in writing, concerning the constitutionality of the above referenced benchmark and indicator from the science content standards and the constitutionality of the above referenced lesson.

Westendorf

Thank you Mrs Grady. Is there a second to Mrs Grady's motion?

Wick

I'll second.

Westendorf

Thank you Mr Wick. We are now ready for discussion. I will remind board ... and I better state first, the vice president and I have talked and as you know under our ruling we can decide whether it can go on emergency or not. And Mrs Stewart and I have talked and we have decided that we will take these motions on emergency. So let's just clarify that right now. And we are both in agreement on that. Thank you.

OK, discussion. Mrs Grady, do you want to speak to your motion?

Grady

Yes, Madam President, I would appreciate the opportunity to speak to this motion.

Just a few days after our last meeting, I had an uneasiness and a concern about what had happened at the last meeting on a variety of levels. Last month I spoke about my concerns about disrupting or circumventing a process that has been used by the state board, including a review process which, as we see, is being fleshed out and will come back to the board next month with greater specifics. And the dangers of doing that, the idea that we would in fact make the decision more based on about how we felt about something than engaging ourselves in a deliberate process, which I think has generally, everyone agreed, had very good outcomes.

I contacted President Westendorf and indicated to her that I had a vague uneasiness that, although a lot of things were said last month, that the one thing that the board did not do was request a legal opinion with respect to the constitutionality of the standard and the lesson in question. We did a lot of talking about legal opinions, and the term unconstitutional got thrown around a lot. I am not an attorney. I do not have a legal opinion, although pretty much all of us offered an opinion, legal or otherwise, last month. But the

one thing I do know is that for me as a member of this board of education I want to make sure that I am making decisions as part of an informed process. And I had indicated to President Westendorf that one of the pieces that I thought was missing from our decision making was in fact a process, number one, and number two this piece of information.

I think that this resolution is valuable to this board irrespective of the individual positions that each of us hold. It is clear that on this board there those who would like to delete the lesson and the benchmark in question, there are those who would like to retain the benchmark and the lesson in question, and there are those who would like to see revisions of one sort or another.

Regardless of our positions and regardless of where we think this ought to go I would like to suggest that while this legal opinion does not have to direct our actions it does have the opportunity - and I believe that it affords an opportunity - to inform our decision. I would also like to say that I've seen a variety of other resolutions that purport to do a variety of things, from sending the issue for review to making the final decision and deleting it altogether. I do not believe, for the most part, with the exception of, I guess, deleting it without using a process and without this vital piece of information, I do not believe that this resolution precludes some of the other options out there for action that are available to this board.

So for me, I believe that this opinion would in fact be directive since because we all took an oath to uphold the law and certainly if it comes back and these items do not pass constitutional muster, that would have a significant impact on my decision making. Each of you would have to assess how important this information was to you, but what I suggest is that whatever action this board takes that it be part of a deliberate and clear process and that it include all the relevant information necessary to make the right decision. Thank you.

Westendorf

Thank you Mrs Grady. Mr Wick.

Wick

I seconded the motion out of concern of its constitutionality. But I would also want to add, like Mrs Grady, I was concerned and am concerned for the process. And I may speak to that later, but it involved another board member and I getting deeply involved with some of the social studies lessons and whether they were valid, in sequence and some other issues, and on that alone I thought without having the expertise of knowing what should fully go into the social studies standards that it should be taken back to the writing teams and the general process of which we had put those together.

So for consistency I feel, even though I have a stronger science background than I did social studies, I'd like to have it go through the process. But I'd also like to see if it musters constitutionality because of the claims that it does or doesn't.

Westendorf

Mrs Wise

Wise

I would like to amend by removing and replacing with the resolution to modify Ohio's science standards and model curriculum that I submitted to the board.

Westendorf

OK. Now where, how, ... You are going to amend this motion?

Wise

By removing and replacing.

Westendorf

I am going to wait for my parliamentarian.

[Parliamentarian consults *Robert's Rules of Order*]

Wise

Point of order, Madam Chairman.

Westendorf

Mrs Wise.

Wise

Could we take a couple of minutes break?

Westendorf

No, we've had a break.

Parliamentarian

Madam President, members of the board. It appears the motion's in order, and that as I understand it, if a motion to substitute the pending motion ... I'm a little unclear on what would be substituted ...

Wise

The resolution that I identified and passed out to the board ...

Parliamentarian

OK

Wise

... the resolution to modify Ohio's science standards and model curriculum.

Parliamentarian

OK. Madam President, Mrs Wise. Robert's Rules require that ... it does provide for a substitution amendment by substitution. In order to [inaudible] the substitute motion be germane to the pending motion, and to be germane an amendment needs to be in some way related to the question that was pending. So it appears it is. So it appears that the amendment's in order.

Westendorf

Thank you. Do I have a second? Mr Hovis.

Hovis

Yes, Madam President, I second the amendment.

Westendorf

Alright. Thank you. Discussion. Discussion. Mrs Wise, do you want to speak to your motion?

Owens Fink

I want a point of order.

Westendorf
Point of order.

Owens Fink
The point of order I'd like to make is that it's not related to the motion. One relates to obtaining a legal opinion on the constitutionality of the lesson, and the other relates to removing the lesson. How can anyone construe those as being the same subject matter?

Westendorf
Mr Hovis.

Hovis
Madam President, it's my opinion that it is germane simply because the subject of Mrs Grady's motion - resolution - is the disposition of this lesson plan, and the subject of Mrs Wise's substitute resolution is similarly the disposition or treatment of this board, by this board, of the lesson.

Westendorf
Mrs Wise's motion ...

Wise
Would you like me to read the ...

Westendorf
No, I've got your motion. I'm just making sure that we have ...

Owens Fink
If we look at the Resolve clause, here, which is the action clause. The action clause for the subject matter of this is a legal opinion from a legal counsel, which is the AG's office. If we look at the Resolve clause of the other motion, it is not on that same subject matter. It does not have anything to do with the legality of opinion. And so I will tell you that it is not the same subject matter, even though Mrs Wise alleges concern that way, because it certainly it should not have been in the first place. This is not the same subject matter, and it should not be used as a replacement because it is indeed a totally different subject matter.

[Consultation between the parliamentarian and the chair.]

Westendorf
The chair has looked at Robert's Rules of Order and what constitutes germane and we do, I think, believe that it is germane. So the amendment will stick.

Now we will get to discussion of the amendment. Mrs Wise, do you want to speak to your amendment?

Wise
Yes, I would like to. The amendment is ...

Schloemer
Is there a second on her amendment?

Westendorf
It's already seconded.

Wise

The amendment does not include items three and four. Let me identify that ...

Westendorf

OK, wait a minute. So it is different from what we have in front of us?

Wise

It is the one and two item.

Westendorf

Well that's not the way you stated.

Wise

It is the ... alright, I'll bring the whole thing.

Okerson

Madam President, could you just ... why don't we just have her read the proposed text of her amendment?

Westendorf

We're going to have another point of order pretty soon here. Will you read your amendment, because we assumed that you were bringing the whole thing to the [inaudible]

Wise

Resolved, that the Superintendent of Public Instruction be, and she hereby is, directed to take the following actions immediately:

1) Delete the model lesson plan, Critical Analysis of Evolution, from the state board-approved curriculum and remove its availability from print sources, technology sources, and any other State Board of Education/Ohio Department of Education mechanism that makes it available for use;

2) Delete the following sentences from the Grade 10 Life Science Benchmark H: "Describe how scientists continue to investigate and critically analyze aspects of evolutionary theory. (The intent of this benchmark does not mandate the teaching or testing of intelligent design.)", and delete Indicator 23 in its entirety, and adjust all print sources, technology sources, and any other State Board of Education/Ohio Department of Education documents to reflect the removal;

3) Reinstate the omitted portion of the Ohio Academy of Science's definition of science by incorporating the following language into the last sentence of the grade ten Scientific Ways of Knowing benchmark A indicator 3 "explanations that are open to further testing, revision, and falsification, and while not 'believed in' through faith may be accepted or rejected on the basis of evidence."

4) Communicate the fact of the above actions to all public school superintendents and high school principals in Ohio.

Westendorf

OK, so you agree to forward the whole resolution.

Wise

The whole resolution.

Westendorf
Thanks.

Wise
Can I speak to the motion now?

Westendorf
And I believe that both - that all of you ... I want to make sure ... Do all of you have both of these motions - resolutions - in front of you? At your place. Does everybody have a copy? And then Mrs Wise will speak to her ... OK. Everybody has a copy? I want to make sure everybody's on the same page. Alrighty, Mrs Wise.

Wise
In the last month I've been hearing a lot of people saying how they never knew there was ID in the standards or the lesson. Well, now you know. The question is what to do about it. If we don't want it in there, the obvious thing to do is to take it out. That's what this motion does. It makes a clean break with the problem and allows us to move on to the other important education issues in this state.

Two events have brought this issue before us again. One is the much-discussed Dover case. The other is the Freedom of Information Act documents from the Dept of Education obtained by the Americans United.

These documents are undergoing analysis currently, but it's already clear that they demonstrate four things:

- 1) At least one of the backers of "critical analysis" on the board expressed religious motivation. Not only did this start out as a motion to put ID in the standards, but allegations that evolution is associated with that have been made as well.
- 2) Evolution has been singled out. It has been specifically targeted for denigrating treatment, to quote Judge Jones. Other science theories have not. We all know this. That's why we hear mention of the idea of generalizing "critical-analysis" to other sciences now. But that's like closing the door when the horse is already out of the barn.
- 3) The science lesson committee was packed with creationists.

Dr Dan Ely, co-author of the lesson plan, is known to be a creationist. Dr Ely is entitled to his opinion, and remember, I'm a creationist myself. I believe in God I believe that God created the heavens and the earth.

But creationism is not science. It is faith.

And we don't have to read the Cleveland Free Times to know that he is a creationist. We can read Dr Ely's testimony from Kansas last year. In response to the lawyer's questions he said he was struggling with the age of the earth. He said he thinks maybe the earth is only 5000 years old. That's not just ID, that's young earth creationism.

The other author of the lesson plan, Mr. Leonard, also testified in Kansas. He refused to give an opinion on the age of the earth.

The age of the earth is not an idle question. If the earth is only 5000 years old, then don't bother worrying about evolution because if the earth is only 5000 years old, then all of science is wrong, and then all of physics is wrong.

Are these the science experts you want to go to court with?

4) Department science staff reported during the process that the material in the lesson was wrong. It was not science. It was religion. It was creationism.

They said, and I quote: "wrong" in their response, "inaccurate", "non-scientific", "horrible", "a lie", "crackpot", "religious", "intelligent design", "creationism", etc. And we have the documents that show that.

Outside reviewers said it was religion and "an insult to science."

No scientific organizations urged acceptance of the lesson. 15 scientific & academic organizations urged the board to reject the lesson.

And I have a letter right here with me from the National Academy of Sciences saying the problems they pointed out to us 2 years ago were never fixed. And they affirmed that it continued two years ago.

It is deeply unfair to the children of this state to mislead them about the nature of science.

This lesson is bad news.

The "critically analyze" wording is bad news. And I think some board members rightly feel misled.

The public trusts us to uphold good standards and to protect democracy and religious freedom.

Please, let's set aside our differences and do the right thing for Ohio and Ohio's children.

I will pass out the documents that reaffirm from the National Academy of Sciences their position of two years ago. I also have an Analysis of Ohio's "Critical-Analysis" Standards and Lesson Plan that was given to some of the board members but not all of them from Brian McEnnis, Department of Mathematics, Ohio State University.

I would ask your concurrence in this substitution resolution.

Westendorf

Right. I'm going to [inaudible] Mr Hovis' speech and then Mr Okerson and then Dr Owens Fink. And that's where I'm at right now. Alright, Mr Hovis.

Hovis

Thank you, Madam President. I speak in support of the resolution of amendment brought by Mrs Wise.

As the board knows, we voted on this issue in our January meeting, at which time we came within one vote of removing this troublesome lesson plan. So the question: Why bring it up now? There have been several important developments since our January meeting which many of us feel have an impact on this issue and may have an impact on some board members' thinking.

Number one, the governor of the state has stated his clear opposition to the teaching of Intelligent Design in our state's science classrooms, and I am grateful for his leadership on this issue.

Number two, 75% of the members of the original Science Advisory Committee to this board have signed a letter to the governor declaring their opposition to this lesson plan and the use of the science standards, which they helped write, to permit or encourage the teaching of Intelligent Design in public school science classes.

Number three, two scientists, Dr Gross and Dr Goodenough, who were engaged by the Fordham Foundation to rank Ohio's science standards and model curriculum, have publicly rebuked the use of their ratings as a defense of the "Critical Analysis" lesson plan, and have stated that if our standards and model curriculum remain unchanged then it would give us a failing grade in the future.

Number four, the Columbus Dispatch and several other major newspapers in Ohio have editorialized against this lesson and called on this board to get rid of it.

These are the significant things which have happened just in the last 30 days.

As was stated at the January meeting, the paper trail leading up to the adoption of this lesson and the benchmark which it supports clearly show religious intent. I am a Christian believer myself. I think American teenagers need more religion in their lives, not less. But it does not further that agenda to introduce nonscientific subject matter into public school science curriculum and tell them that it constitutes testable scientific theory. Matters of faith are just that - statements to take on faith.

At the March 2000 meeting of this board, Dr Owens Fink moved a resolution to modify our science competencies, calling for the using of a two-model approach, specifically evolution as well as Intelligent Design. The motion was seconded and defeated at that time. To continue to maintain that we don't want Intelligent Design, that it isn't there, that that's not our intention in the face of the paper record is - it simply doesn't square with the record.

The analysis which Mrs Wise has distributed of the lesson plan also shows that the aspects all come from creationist literature. Earlier versions of the lesson plan contained several references in the bibliography - all of them came from creationist or Intelligent Design sources.

The ruling in the Dover, Pennsylvania case found that Intelligent Design is completely repackaging of creationism.

We have documents that show strong professional opposition from the Ohio Department of Education's staff science consultants to this. Many of us did not see those until later.

The Jones decision clearly shows that it is unconstitutional to teach Intelligent Design as science in public school science classrooms. I believe that a majority of this board now considers this lesson plan as scientifically flawed beyond repair and legally dangerous.

I would like to turn for a moment to why I oppose Mrs Grady's original resolution. May I remind the board that the defendants in the Dover case also sought and obtained a legal opinion, and that opinion was that they should proceed, that they were on solid legal ground.

Number two, we can not control the speed of the response by the Attorney General's office. It might take months. Every week that goes by heightens the legal risk that an action may be

brought against one of our public schools who's using this lesson plan because it bears our seal of approval. Its on the shelf as a model lesson plan and we put it there. We allow a Dover trap to remain if we leave this lesson plan on the shelf.

I do not think that we should take this delaying strategy. We talked about a process - Mrs Grady spoke about a process existing, and not to circumvent the process, and I respect her desire for an orderly process, but in this case as we hear this [inaudible] last meeting, no such process exists. Dr Bowers responded to inquiries from various board members about what the schedule was, whether money was available in the budget, and so forth, and the answer was no in all those cases. How can we speak of circumventing a process which we don't even have?

Thank you, Madam President

Westendorf

Thank you, Mr Hovis. Mr Okerson.

Okerson

Madam President, I might have to be guided by parliamentary procedure on this. I believe it is in order to offer an amendment to Mrs Wise's amendment. I believe you can add a secondary amendment to an amendment that's on the floor.

Westendorf

Yes.

Okerson

OK, I am going to move to amend Mrs Wise's amendment in the following way:

To strike paragraph 3 of her amendment and to substitute a new paragraph 3 that would read as follows:

The Achievement Committee of the State Board of Education is charged to consider whether the deleted model lesson and benchmark should be replaced by a different lesson and benchmark, and if so present any recommendation to the entire State Board for adoption.

If there's a second to that, then I would like to speak to the amendment.

Schloemer

So moved.

Westendorf

Mr Schloemer seconds your motion, Mr Okerson.

Okerson

Thank you.

Now obviously this topic has been a very complicated one for this board of education and it continues to present its complications. I think that many of us were expecting that Mrs Wise would bring forward this resolution at today's meeting, and I know there have been a number of discussions among board members about how they might respond to the motion as it was presented.

I had seen the language being proposed by The Ohio Academy of Science with respect to the definition and understand that that language was included in their original

recommendation and that they have taken exception by the fact that we have truncated the definition and included it and have attributed it to The Ohio Academy of Science. But when I saw the additional language I was first puzzled by it. I find the language difficult to parse through and possibly loaded by the inclusion of the clause that deals with "believed in through faith."

And I believe that there are a number of members of the board, including myself, that are troubled by including that aspect of the definition into our science standards.

Therefore, I'm moving to strike the paragraph that reinserts that language into the definition of science.

The substitute paragraph 3 addresses a concern that I've heard from a number of board members about how ... whether a process should be observed in dealing with this question. And so rather than deleting it and being done with it I think that we should give a process - an opportunity to consider whether some other modification ought to be brought forward.

And so the substitute paragraph 3 that I'm suggesting would allow a process to occur by putting the question to the Achievement Committee, which has responsibility for standards and assessment to consider whether there should be some other modified model lesson plan or benchmark that should be brought back to the board. And I think that speaks to the concern that a number of board members have shared with me that we're circumventing a process for dealing with this.

I know from last month when the question came up, I felt that, one, the sensible strategy for dealing with this controversy would be to defer this whole question until the standard came up for review, and then I think what we learned is that there is no review schedule that has yet been adopted. So we have no process to defer to.

So this is the best that I could come up with, which is to address the process concern and allow the Achievement Committee to at least consider this, whether a replacement lesson plan or benchmark should be brought back to the board.

Thank you.

Westendorf

Thank you, Mr Okerson. Mr Wick, I'm warned you have a quick question?

Wick

Yes I do. I'll direct it to Mr Okerson. Would your amended resolution possibly or likely or in your mind include the subject lesson plan also be reviewed and amended for, yes, those elements that are viewed to be valid and important?

Okerson

Yes, and the language that I had suggested would be both what I would call benchmark and lesson would be reviewed. So that when I say lesson I was referring to a model lesson so that there would be an opportunity to bring back a different model lesson. And it has also been brought to my attention that benchmark is probably not the correct technical term but that it should be indicator 23, so if my seconder will permit me to replace benchmark with indicator 23, I think that would be more technically correct how to describe this.

Did that answer your question, Mr Wick?

Wick
Thank you.

Schloemer
Madam Chair, that is OK with me.

Westendorf
OK. I've got speakers lined up. Mr. Hovis, I believe you had a question.

Hovis
Yes.

Westendorf
This is a question for Mr Okerson, correct?

Hovis
Yes Madam President, I think maybe the thrust of my question is similar to Mr Wick's. Could you please state first the amendment to the amendment.

Westendorf
I was going to ask you to do that. I'm assuming that you've got that all written out ...

Okerson
No-one else is going to be able to read this, and I'll try to read it myself.

[Conference between Okerson and the parliamentarian]

Okerson
Mr Schloemer, could you indulge me one more time. The point that was raised is that it is benchmark H and indicator 23 to be complete rather than refer to either a) an indicator or a benchmark.

With that said I will try again to read the proposed amendment and it would be:

To strike paragraph 3 of Mrs Wise's amendment and substitute a new paragraph 3 which would read:

The Achievement Committee of the State Board of Education is charged to consider whether the deleted model lesson and benchmark H and indicator 23 should be replaced by a different lesson, indicator and benchmark, and if so present any recommendation to the entire State Board for adoption.

Schloemer
Madam Chair, I agree to those substitutions.

Westendorf
Thank you Mr Schloemer.

Hovis
Madam Chairman, may I continue my line of inquiry?

Westendorf
You may. Then I'd like to get on ... we have several other board members who I think wanted to speak as we were going through this.

Hovis

Thank you Madam President. Thank you Mr Okerson for restating your amendment to the amendment. And may I clarify then for my own sake that you are not proposing in your text to do something which is in conflict with paragraph number one.

Okerson

No.

Hovis

You are asking the committee not to consider ... you're not asking the committee to consider whether they should bring back the deleted lesson, you're asking them to consider whether they should bring a substitute or a replacement lesson.

Okerson

That would be correct, and in my thinking, in support of Mrs Wise's amendment, is that the model lesson and the benchmark should be removed now to avoid any litigation risk in the interim and then put ... but in order to be responsive to the process concern that a number of board members have shared, put it back to the Achievement Committee and allow a process to go forward on whether or not some substitute model lesson plan or benchmark and indicator should be brought back to the entire board.

Hovis

Thank you.

Westendorf

Mr Wick, did you have one more question?

Wick

I still want to ... maybe confused me a bit ... I want to try to get to whether the subject lesson plan, if it's deemed by the Achievement Committee to have elements that are really invalid that they could be included in the changed or updated or new lesson plan. Here's my point, because I'm hearing it differently from what Rob has stated. But there are good things, in my view, in that lesson plan, and I prefer not to have it totally thrown away if this is approved and then something entirely different is substituted. So help me understand if I'm ...

Okerson

Mr Wick, I will respond in this way. If ... the only thing, I believe, the Achievement Committee could not bring back would be the identical model lesson plan and benchmark, because that would be the equivalent, really, to a motion to reconsideration.

If they brought back for the full board's consideration a modification to the existing model lesson, or some other revision, I don't say that it can't include anything that's in that. I believe that there may be a majority of the board that would believe that the plan in its current state should be deleted. But I don't know what issue the committee would bring back. The only thing that I think would be inappropriate if they came back with the exact, identical benchmark, indicator, and model lesson plan and said we recommend that this be adopted, because I think the board would have already ruled on that

Westendorf

Is that fine?

Wick

That helps, yes.

Westendorf

Do you have a question, Mrs Harrold? You weren't on my list to speak. Alright, I do have my list. Alright. Dr Owens Fink.

Owens Fink

I'm not quite sure where to begin, but I'll try to keep my comments short.

Those of you who weren't here yesterday, I did apologize to the board for personal attack last month because this issue does get emotional. So I find it very bothersome that the board members who have already spoken and two of those have already started what I perceive to be a personal attack. I find that very unprofessional and I find it [inaudible] of what we're going to do.

Let me say one other thing, that I find it also somewhat bothersome that the same people that are attempting to remove the lesson to [inaudible] are not supporting Colleen's resolution and have replaced it with deleting the lesson. If the issue truly is concern about whether this lesson is constitutional or not constitutional they would want an answer to that question. The reality is, as we all know though, they do not care and this is not a warning that someone is going to be sued. They do not want the lesson because there are some that feel that anything but unquestioning support for evolution is somehow inconsistent with good education.

Let me also say, though, that we did consider all options and five years ago we even considered whether or not we should include Intelligent Design. And we did do that. We had speakers that came in and we actually met downtown March 11 and we had numbers of speakers to talk about that. As a board we looked at every option, which is a very deliberate public policy [inaudible] we should do. This board had very patiently dealt with this issue for over four years, actually more like five years, listening to public testimony.

The decision that we came to was to teach students an awful lot about evolution, to teach students that evolution explains the unity and diversity of all life, to explain to students that the earth is four billion years old. So it is not an issue of whether we're going to teach evolution or not teach evolution or even whether we're going to teach it as fact - we are teaching it as fact. The issue at hand has been, and continues to be, we want students to hear debate among the scientific community on this issue. We have members and we have letters in our packet today from people that are on the National Academy of Science, Dan Ely who is a professor who will be speaking to us today. I know some of you have already made a determination. He helped write two of the other lessons on evolution, but he also, because he's intellectually honest, thinks it's appropriate to have students critically analyze evolution.

I would tell you, I would think it would be appropriate for students to critically analyze every theory that we have in science. You know it's kind of funny, the dichotomy here just strikes me. Let me just tell you, the other benchmarks that we have on scientific ways of knowing ... let me read them. One of our other benchmarks is that ... and it's actually on the lesson plan for those of you who have it in front of you ... under Scientific Ways of Knowing we say this. The question is do we really mean it? We say : "Explain that scientific knowledge must be based on evidence, be predictive, logical, subject to modification and limited to the natural world." There is no ID in that lesson, irrespective of what we thought about doing what we could have done, there is no Intelligent Design in that lesson. The areas that are covered in that lesson, homology, antibiotic resistance, occur in every single biology textbook.

Indicator 2 under Scientific Ways of Knowing: "Describe that scientists may disagree about explanations of phenomena, about interpretations of data or about the value of rival theories, but they do agree that questioning, response to criticisms and open communication are integral to the process of science."

What you've seen on this issue is people that aren't acting like scientists. Scientists would not be afraid to have their macroevolution, microevolution or both critically analyzed. We singled out this theory because the public wanted it singled out. And we've been logical. Should two thirds of the people in the state want students to know not just about evolution - and they do, and it's a wonderful thing, but to learn about scientific criticisms of that. What is now in that lesson are things that are in every single scientific journal - it doesn't mean that people don't believe in evolution - they do - but there are debates, the criticism, the strengths, the weaknesses of the theory.

This for me has never been about religion. I have four children in the public schools, I have a ninth grader, soon to be a tenth grader. They love science. I'm an engineer, my one son's an engineer, my other son's going to be an engineer as well. This is about what we think is the best way to teach the subject matter. And I would tell you, the notion that we're going to delete this lesson and circumvent the process I think really speaks very unfavorably to what we have formed as a democratic process here.

I also would tell you that I think one of the reasons this came up today is because three board members aren't here. And I think that is unfortunate too. This board is divided on this lesson - it's clear to everyone. We have six hundred thirteen school districts in this state. "There is no mandate for this lesson. Let's abolish this lesson. There's ten other lessons on evolution. There are two other lessons for this benchmark." The issue is if you want to decide for the rest of the state because you are afraid from what you've said that there's Intelligent Design that's included right in there. If that's truly your concern then you would want a legal opinion. And if that came back that it wasn't but that is what I don't think is really at stake here. Some of you have bought into this issue that it's very inappropriate for anyone to critically analyze evolution or to talk about the weaknesses of that theory. I find that wrong. I find that very poor pedagogy, and I find that very inconsistent with what Ohioans need - they want. And it's very inconsistent with the notion of the Third Frontier project. That we're going to try to create citizens that think critically, that can innovate, and that can solve complex problems for the next century.

Thank you.

Westendorf

Thank you Dr Owens Fink. Mrs Sonenshein.

Sonenshein

Yes, thank you. I've gone back and forth on whether I want to get into this or not. I do not want to debate the lesson because words of the lesson are being abused. My concern is we're not talking about weaknesses in evolution, we're talking about the gaps in the so far discovered knowledge. So my concern is, say, that I have indicated that my second choice is to go to the AG because my first choice is let's get rid of it, let's go on and let's have the board worry about - I believe Mr Okerson brought it up last month - about closing the achievement gap, doing the important work that we need to be doing. Let's be done with it and not have to worry about it any more.

With the AG out there we'll be prolonging everything for months. So that is my reasons why I am a little - I will tell you I'm a little concerned about sending it back to committee

because I know that that puts a lot of pressure on staff and in fact there's a lot of behind the scenes pressure that's probably going to be put on staff. I hate that idea. But because of the deletion of the lesson I will support the amendment and the amendment to the amendment.

Westendorf

Thank you Mrs Sonenshein. Mrs Grady.

Grady

Thank you Madam President. I guess it would have been my preference that everybody's resolution could have been heard fairly and stand on its own merit, in the interest of fairness and informed decision making. But I understand that that perhaps doesn't interest everyone as much as maybe it interests me.

We still talk a lot about legality. Mr Hovis, you're quite right about the things that have been in the newspaper, including virtually every editorial board from major newspapers wondering why the state board would take action one way or another without asking for a legal opinion and I think that that's a good question.

When I talk about the process, there are really two processes that I'm talking about. The one that took place with this lesson plan and the benchmark took place - preceded my tenure on the board, so I do not pretend to know every single thing that went on at that particular point in time. As well as the process that would be put into place as part of your review. You're quite right. Last month it was a little bit of a surprise on the part of the folks in the department [inaudible] the process and they weren't able to explain it. But as I mentioned to Mr Hovis last week it's my understanding that Dr Bowers will be coming back to us - is it next month? - with information on the review process in the time frame. So while it may not be completely fleshed out, certainly based on our conversation last month it was clear to the department clear enough that they move to put this information in place.

I guess if I am looking at the hierarchy of options here, I appreciate Mr Okerson's amendment to the amendment as seeking the middle ground. However sending it back to the Achievement Committee without a legal opinion as to where the line is, may or may not be helpful in the long run to this board getting back to what I think many of us view would be a better use of our time and energy.

So in a mixed bag I would support the change to the amendment but I would not support the amendment as a whole, and I would have a preference toward informed decision making and the fairness of having everyone's resolution heard as opposed to preempted.

Thank you.

Westendorf

Thank you Mrs Grady. Mrs Harrold.

Harrold

Thank you Madam President.

[Inaudible] the lesson plan as a teacher. How would I go about teaching it and I have had some experience in the field. So ... and have taught tenth graders. And when I got to the rubric I thought "Oh, my word" because a rubric is an assessment and it's what students know that they're going to be assessed on. And the rubric in this lesson plan has six scorings, two of which have to do with behavior. They have to deal with the classroom rules or the discipline rules of the high school. They don't belong in the rubric.

Based upon the rubric in the assessment, that needs to go back for sure. And when I'm looking at that as a potential lesson that I would teach, I really would be struggling with the whole thing.

The lesson needs to be gone as such. If it comes back it has to be reworked. If there's a rubric, it has to be an appropriate rubric for tenth grade. Any tenth grader who had a little more spunk could turn a teacher into knots with this rubric.

So I'm suggesting that lesson plan's got to go.

Westendorf

Thank you Mrs Harrold. Mr Brown, you're next.

Brown

Mr Okerson, you raised the point that after we asked the Attorney General's opinion that we could not control the amount of time that it would take to receive that. Again there's no mention of time in your amendment when we could hear back from the committee. I wonder if you felt that should be left open or is it due some time?

Okerson

Actually I don't think I did make a comment about the timing of the Attorney General's opinion, but I will respond. I think the question is should we charge the Achievement Committee with a timeframe to return. I don't see a reason that we need to. I would just say, you know, they put that on their agenda and get to it as the chairs of the Achievement Committee see fit. I don't know how much talk on that thing it would take to come up with a revised benchmark, indicator and a new model - if at all. You know, it's one possibility, if the conclusion is to not replace the indicator, benchmark or the lesson plan. But I wasn't thinking that any particular timeframe would be required.

I suppose anyone else could take that up, if this motion were to be adopted, with the chairs and the leadership of the board.

Westendorf

Thank you Mr Brown. I have two board members who have not spoken yet who have indicated that they would like to. I also have Mrs Wise and Mr Hovis who would like to speak again. I would really like to let all board members speak first. I think that is only fair before we start talking three and four times each.

So Dr Millett, I will call on you.

Millett

I support critical analysis. I have heard over and over again the need to teach students to weigh evidence. So I think we need to teach logic, I think we need to teach the rules of rhetoric - sounds a little classical but there's something there. What bothers me is why did we single out evolution as the only substance theory subject to critical analysis? That really, in the light of the Dover decision, is weighing on me. What I like about Eric's amendment is that it would give us in the Achievement Committee an opportunity to go back and look at the construction of some generic lesson plans on critical analysis of evidence and rules of logic and to make those pedagogically as correct as we possibly can.

My problem with benchmark H and indicator 23 is that by saying it doesn't mandate the teaching and testing of Intelligent Design, it throws Intelligent Design in everybody's face. It sort of hauls attention to it. We've never done that on any of the others.

So I am sensitive to all the points of view and I have tried, as you know, to find the centrist position on this. I just want to tell you that I'm going to support Eric's amendment and then I'm going to work in the Achievement Committee to come up with some new lesson plans on critical analysis that can be applied to a spectrum of scientific and social issues. I want the students to understand there are different points of view, but I want them to have good foundation in arguing and weighing evidence

Westendorf
Mr Cochran.

Cochran
Thank you Madam President, members of the board.

I am certainly going to associate myself with the remarks of Dr Owens Fink. Like her, I suffered through the process that we went through years ago and which was part of my frustration last month to hear the same people testify to the same thing over and over and over again. And I also apologized to the board earlier and will to those witnesses that my reaction to that was inappropriate and certainly didn't add anything to the debate. I just get tired of hearing the same debate for now years from the same people, for years.

But what I want to do is I think what Dr Owens Fink is doing is to make sure that we have the record straight when people make their decisions. It ... I'm surprised at some, we've grown accustomed to others who state some of the facts or not any of the facts correctly and the defense takes some effort to try to keep us all on what has actually happened, and so forth.

I think it's important to understand that those of us who support critical analysis, and I appreciate the words of Dr Millett, would agree, and if it comes to that, we would either do a benchmark or do something and do it all through the science curriculum. It was never intended as a device to single out evolution and it's something that we overlooked. And so, I don't care, I mean if we want to add it, I think Dr Owens Fink has mentioned in the past, add it to global warming, add it to any numbers of things. That would be fine.

And secondly, to be used against us now in favor of the benchmark and indicator, that it contains the no testing of Intelligent Design. Again to keep the record straight, we weren't the ones that put that in there. The ones who want to now remove the benchmark and so forth and are using that as a reason that it draws attention - they're the ones that put it in. They're the ones that put in that this will not be used for teaching or testing of Intelligent Design. Those who are accused of wanting to teach that or accused of having different ideas on this, we didn't put that in there. I want - I think that it's important that the board understand that. It's now being used against us by the very people who put it into the benchmark.

I think it's important to remember that the board - I won't go through it but the board did go through a process. The very thing that several board members are now talking about - I just want to remind you that three years and four years and even five years ago we went through that very process with writing teams, advisory teams, hundreds of witnesses, thousands of cases of submitted testimony and arrived at an agreed upon - I want to say almost unanimous - benchmark.

Now that's why I am a little concerned about today and quite frankly the ingenuousness of some around this table. Last month we debated this and the benchmark was never mentioned. It was the lesson plan that was wrong, it was bad science, it did this, it did that.

And now an agreed upon unanimous benchmark of three years ago including several who now want to take it out, agreeing to it, is now on the table to be removed. And I have to wonder, as Dr Owens Fink mentioned, is this on the table to remove today because the three absent members are ones who all voted for it, to leave it in the curriculum, leave it in the standards, and so forth. Which leads me to believe that no matter what we do today when all the votes come back there'll be further motions to remove it from committee, to reinstate it into the curriculum. And we could go back and forth and back and forth with that. But again, the three members who aren't here all voted for the benchmark and have consistently supported the lesson plan, and one of the members who isn't here who voted for all that is the chief architect of the compromise and the pulling together of the board, and it is absolutely disgraceful that we've had this for three years and we can't wait another month to allow her, who spent so much of her time trying to put together this and not to have a voice in what we're doing. Well, I think that's by design, not intelligent design, but by design.

And finally I guess I would mention that ... two things further. One is I complained last month, and again complained this month, that the non-lawyers were giving us legal advice. That always disturbs me - that the lesson's unconstitutional, the judge in Dover said this, the judge meant that, the judge ... and so forth. It seriously questions why I went to law school to understand those sorts of things. Now to have people who are non-lawyers tell me what it is.

But the reason I bring it up is the same principle is being followed in another way now. This board is in effect writing the standards with our vote today. None of us are scientists, none of us are scientists, and here we're making the scientific decision that was based on all the advisors and the writing team that advised the board - we're having none of that now and we're in effect writing the standards, by elimination.

So we have non-lawyers giving us all the legal advice that we're going to be sued. We have non-scientists now writing the curriculum by deciding to take things out of it, and not willing to allow the professionals to have input in them. And I find that also reprehensible.

I think it's because they can't stand the light of day. I think that's why this is being done, is because they don't want another science writing team; they don't want legal advice from the AG's office, which is our lawyer by statute, because they can't control what it's going to be. They can't come to the table at that point and further make some arguments that they can make until somebody professional tells them it's not right. That's why we're skipping those steps this time and writing curriculum by a board of non-scientists, with no scientific professional giving us the advice that we got the last time when we wrote it and put it in unanimously. And I find that that is just unbelievable.

The final thing in the several years that we've been going through this the one thing that has always bothered me is, and it's rhetorical in nature but it still tells me something, is I don't understand why the scientific community is so afraid of this. They control the classroom, they control the curriculum in the sense that they can emphasize or not emphasize or deliver it in whatever way they want to. They control the textbooks. I've never understood why they are so afraid. And it's amounted to being afraid. It isn't a professional concern - they're afraid. And I don't understand that. And it has always puzzled me, when they have so much of the arena under their control and yet they won't allow anything to stand the light of day that questions them. And whenever something people don't want to hear from professionals, whenever they don't want to be questioned, those are red flags to me. But what they want to do is control the curriculum and keep what they want to keep, which amounts to indoctrination and amounts to their viewpoints. And I think that's sad.

The vote today will be what it is. We already know, as we've said, three members who would vote to keep it the way it is aren't here, so whatever the vote is it is and obviously it's still an open book because there'll be further motions and further ideas come at the next and following meetings, so we'll do this forever, I guess.

But it is important to keep the record straight and point out some very large inconsistencies and some very large hidden agendas.

Westendorf

Thank you, Mr Cochran. Do I have any other board members that have not spoken to the point - spoken or made comments?

OK. I have ... Mrs Wise and Mr Hovis have asked me to speak. Mrs Wise, do you want to go first?

Wise

Thank you, Madam President.

There are three items that I would say at this particular point. One is regarding the fact that my motion that lost last month nine to eight. I identified the deletion of just the lesson plan. Our own board member and ex-president during the whole process, Jennifer Stewart, ... er Jennifer Sheets, identified to us last month that unless we identified the benchmark and the indicator and deleted both as well as the lesson plan we were not doing the full job that was necessary because they are totally tied together. So that, really, through our own ex-president's suggestion last month, was one of the reasons I brought the deletion of both the areas forward.

Secondly the scientific process or the scientific professionals in the department. We did not get all of the information that's now out there at the time that we were actually looking at passage of the documents in this pack. We did not have, to the lesson plan, we did not have the documents that identified from our own science consultants in the Department of Education, their reviews and their concerns about creationism being in the documents, especially in the lesson plan. And though that information is a concern of mine as well. We do not have that data and that detail.

Thirdly, the AG opinion. We are not opposed to having the AG opinion from my standpoint. I think we probably should do that in the future. We all know that the Attorney General in the state of Ohio is currently running for governor. We could not get an opinion from him until at least after May and probably not until after December. It would be a long time out before we could get anything on this matter. However it is one of those things that I have thought putting this back into committee is the Achievement Committee could identify, even though the lesson plan and the benchmark and the indicator were out in accordance with today's actions, if that's so wished, that the committee itself could identify any one thing that should be done and could come back to the board and further from the committee then send a request for the AG opinion.

Those are the items that I bring to your attention. Thank you.

Westendorf

Mr Hovis.

Hovis

Thank you Madam President.

I do continue to hope that, just because a person's not an attorney, that they can simply read and understand a judge's opinion and heed the warnings therein.

Also I want to assert that Mr Griffin, who is one of the absent board members, did in fact vote against the adoption of the lesson plan in question at the March 2004 meeting.

Westendorf

Mr Hovis, we do have four board members that are absent right now. Emerson, Jennifer Sheets ... Emerson Ross, Jennifer Sheets, Dick Baker, and John Griffin. There are four.

Hovis

Oh, I am sorry. I didn't realize that he was referring to ...

Westendorf

Thank you. Let's try to keep our remarks not directed to board members per se.

Hovis

I remind the board that it has been stated that we are ignoring the advice of scientists. I would remind the board that Dr Robert Lattimer spoke at an Intelligent Design conference that "We were able to get only three of our people on the science ... on the lesson plan writing team, but it looks like that was enough." Dr Lattimer is a known advocate of Intelligent Design. The committee was stacked with people who claimed to be scientists but who are known believers in and proponents of Intelligent Design.

So you say that we ... that many of us support critical analysis of all scientific theories now - it is a good statement but I frankly just don't see evidence that that has been called for or pushed for or vigorously pressed in the past with the same vigor that the critical analysis of evolution only has been pressed.

This is not an effort to protect evolution theory from scientifically based criticism or analysis, and that is a key in this controversy. No-one in the scientific community advocates trying to silence challenges to evolution theory which are based upon scientifically testable and verifiable evidence. The question is whether this lesson plan does that. I maintain that this lesson plan is not based on science. It is based on faith concepts which by definition are not subject to scientific testing. It therefore is not an appropriate challenge to evolution theory to be brought into a high school biology classroom.

Westendorf

Thank you. Dr Owens Fink.

Now just before ... I want to mention, people may see me putting my dark glasses on. I do apologize. I had eye surgery just recently, last Thursday. So I do apologize. The fluorescent lights do bother them and they get a little dry. So thank you for your consideration. It's not I'm meaning to be rude.

Dr Owens Fink.

Schloemer

Might I add that I'm up walking around too, exercising my newly replaced knee.

Westendorf

This board does have some issues!

Schloemer

That was performed by an orthopedic who believes in evolution.

Westendorf

What happens when you get on this board you start falling apart.

Dr Owens Fink.

Owens Fink

Let me just say this, particularly in response to kind of [inaudible] that Martha made and Mr Hovis made. Martha made the comment that there were some documents that now showed that some of the scientists on our ... in our department didn't like certain things. Let me respond to that, because I've been asked that question by reporters and I'd better respond because she brought it up in public.

I have not seen those, alright? Let me just say this. There are many things that our department does that some members of the staff may not agree with. Today it may be a particular area of evolution and how it's taught. It's also occasionally been subject matters that people have differences of opinion on, such as vouchers, charter schools. The decision making is with this board. Dr Zelman has been very good about saying that certain decisions are made by this board and she's been very supportive of diversity of [inaudible] opinion in the department. That is a credit to her as a leader and that's a credit to this board.

Somehow we respect diversity of opinion in every other arena and it's something that we as a nation really champion - that we can have diversity of opinion and not burn down embassies. We can actually have differences of opinion in discussion - most of the time without personal attack.

But for some reason when it comes to this subject matter we cannot have diversity of opinion and instead we start attacking someone saying that because we have a difference of opinion on this issue they must be a creationist. Because someone thinks that issues such as homology, transitional life forms don't come labeled "I'm a transitional life form" and you're right, there are the homology, the tree of life, and the issues that are looked at in the classroom and the references that are used are from peer reviewed scientific publications. Things such as "Macroevolution The Morphological Problem"; articles such as "The Limits of Scientific Reasoning" - actually that was a book - articles such as "The Rooting of the Universal Tree of Life is not Reliable". I have read each of these. and I am not a biologist but several biologists have been involved with this - got word of this - and we've got letters from numerous scientists with the National Academy of Science and other organizations that respect this issue.

And for us to say because someone either goes to church or doesn't go to church or has a different viewpoint on a faith perspective that somehow we're going to discredit them as a scientist I find extremely problematic. I think that the issue is: Is this lesson in its present form a good lesson. It does not ask students to take a particular viewpoint. If a student after studying evolution very completely cannot defend and support their viewpoint, some might question whether they've really learned it.

And so I really sense that there's very much a paranoia, if you will. If somehow if we allow students to discuss this issue or another issue that somehow they might question something that someone is asking them not to question. And so I'm bothered by some of the comments that are made about board members about our staff because I think without clarifying them it sends a wrong message to the public. I'm bothered by the fact that some board members

have chosen to not focus on the lesson itself but to label people with what they think are derogatory labels to discredit them from having a voice in this discussion.

I could not let this discussion pass without commenting on those two issues. And those are my final comments. But I just think it is very important to this process to keep it directed on the lesson and to keep it directed on what we're looking at. For those of you who are going to delete the lesson, you better really understand what it is you're deleting, because every single one of those issues is discussed in every single biology textbook and we are not trying to protect anything other than to allow students to discuss and debate as they feel they really should.

Westendorf
Thank you.

Schloemer
Call the question. Call the question.

Westendorf
I have two other speakers.

Schloemer
[Inaudible] introduce to them?

Westendorf
You can call it after those two. Mr Wick and Mr Okerson have already asked to speak. I would like to ... and then you may ... Colleen, did you also have your hand up? Do you want to speak?

Grady
I did. Just ten seconds.

Westendorf
I will get ... right. Anybody else?

I want everybody to Sam, I want to explain why I'm doing this. I think it's very important that all the board members get an opportunity to say their piece. I know it's long, but we've got a lot of speakers to go yet. And it's the duty of this board.

Mr Wick.

Wick
I think you know that my recent comments today and last month on the process and not compromising that process. Again I would hate to see other potentially ... potentially other lesson plans and benchmarks and so forth come before this board and that we can just either vote them down or determine what happens to them without going through the process. Now having said that, first of all it ... I want to make it know in my opinion there is a process and if I were in charge I could resurrect that process tomorrow. It's defined, we know exactly what it is that we would have to do to take any lesson plan or any benchmark through that original process, to have it scrutinized and to come back in whatever form it might be. So I beg to differ from any board member that says we don't have a process.

Now finally having said that, being I think convinced by some dialog with Mr Okerson and the questions I've asked that that lesson will get a fair shake and will not necessarily be

totally thrown out because there are a number of valid points to it. I'll support Mr Okerson's amendment

Westendorf
Mr Okerson.

Okerson
Just a brief reply to Mr Cochran's suggestion that we're not scientists and we shouldn't be writing. I agree with that and I think what - I'm relying on your capable leadership as co-chair of the achievement committee with Mr Craig to make sure that you involve the appropriate professionals in developing any revisions or replacement or substitutions, should it be the will of the board to go in that direction. So I'm sure that you will guide us through an appropriate process and incorporate professional input.

Westendorf
Mr Cochran

Cochran
Just a quick response. I will do that, with Mr Craig's help, and with you and others who are on the committee. That will be exactly what we try to do. A reminder - that's what we did before and got a unanimous vote on the benchmark.

Westendorf
OK. Mrs Grady.

Grady
By way of point of information. First of all it's been suggested that the Achievement Committee, it would be OK if they got a legal opinion. A written published legal opinion from the Attorney General's office - that request requires action of the entire board, it's my understanding. Not any individual board member or committee, and it's that way for a good reason.

And the other piece of information would be that Mrs Wise suggested that it might take us a long time to get the opinion because our Attorney General, Mr Petro, is running for governor. And I have this image in my mind that Jim Petro burning the midnight oil writing. It would be dealt with by his staff, which is not running for anything, and/or additional outside expert counsel. Thank you.

Westendorf
Thank you, Mrs Grady. Are there any other board members that want to speak?

I see none. Now ... Mr Okerson, we're going to be voting on your amendment first and I am going to ask you to please read that because I do not have it all written down, and you do. Thank you.

Okerson
Yes, Madam President. The amendment was to strike paragraph 3 of Mrs Wise's amendment and substitute a new paragraph 3 which reads:

The Achievement Committee of the State Board of Education is charged to consider whether the deleted model lesson, benchmark and indicator 23 ... make that benchmark H and indicator 23 should be replaced by a different lesson, benchmark and indicator, and if so to present any recommendation to the entire State Board for adoption.

Westendorf

OK. Is everybody clear on what we're voting on? I want to make sure before we do this vote. We'll do a roll call vote. Kathleen.

Okerson

Yes.

Schloemer

Yes.

Sonenshein

Yes.

Stewart

Yes.

Wick

Aye.

Wise

Yes.

Brown

Yes.

Cochran

Aye.

Craig

Aye.

Grady

Aye.

Harrold

Aye.

Hovis

Aye.

Millett

Aye.

Owens Fink

No.

Westendorf

Aye.

The ayes have it fourteen to one.

Now we go back to Mrs Wise's resolution, as per the amendment. Yes, Mrs Wise's motion as amended. Does everybody have that in front of you?

OK. Are we ready? Roll call, Kathleen.

Wise
Yes.

Hovis
Aye.

Millett
Yes.

Okerson
Yes.

Owens Fink
No.

Schloemer
Yes.

Sonenshein
Yes.

Stewart
Yes.

Wick
Aye.

Brown
Yes.

Cochran
Nay.

Craig
Aye.

Grady
No.

Harrold
Yes.

Westendorf
Nay.

The ayes have it ten ... The ayes have it ten to four.

Okerson
I counted eleven.

Westendorf
Eleven to four. Alright, I missed one vote.

OK.

Hovis

Madam President, point of order. It occurred to [inaudible], but I think we've got to take a vote on the motion as amended.

Westendorf

Yes, that's correct.

OK. Now we have [inaudible] the motion as amended. We voted on the amendment. Alright. Everybody ready?

Alright. We need to help Kathleen get ready here.

Wise

I thought that it would be Mrs Grady.

Westendorf

No It would be you.

Wise

Oh. Yes.

Hovis

Aye.

Millett

Yes.

Okerson

Yes.

Owens Fink

No.

Schloemer

Yes.

Sonenshein

Yes.

Stewart

Yes.

Wick

Aye.

Brown

Yes.

Cochran

Nay.

Craig
Aye.

Grady
No.

Harrold
Yes.

Westendorf
Nay.

The ayes have it eleven to four.