

In the  
**Supreme Court of Ohio**

CINCINNATI CITY SCHOOL DISTRICT : Case No. 2008-1480  
BOARD OF EDUCATION, :  
 :  
 :  
 Plaintiff-Appellee, : On Appeal from the  
 : Hamilton County  
 v. : Court of Appeals,  
 : First Appellate District  
 STATE BOARD OF EDUCATION OF :  
 OHIO, *et al.*, : Court of Appeals Case  
 : No. C-070494  
 Defendants-Appellants. :

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**NOTICE OF INTENT NOT TO FILE SUPPLEMENT OF  
DEFENDANTS-APPELLANTS THE STATE BOARD OF EDUCATION OF OHIO  
AND THE OHIO DEPARTMENT OF EDUCATION**

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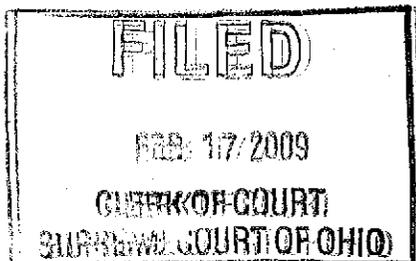
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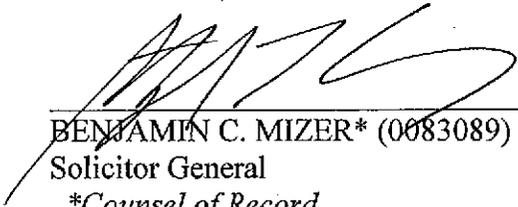


**NOTICE OF INTENT NOT TO FILE SUPPLEMENT OF  
DEFENDANTS-APPELLANTS STATE BOARD OF EDUCATION OF OHIO  
AND OHIO DEPARTMENT OF EDUCATION**

Defendants-Appellants State Board of Education of Ohio and Ohio Department of Education hereby give notice, pursuant to Ohio Supreme Court Rule VII, Sec. 1, (B), that they do not intend to file a supplement in this case, as the issue is purely one of law, and does not require review of the factual record.

Respectfully submitted,

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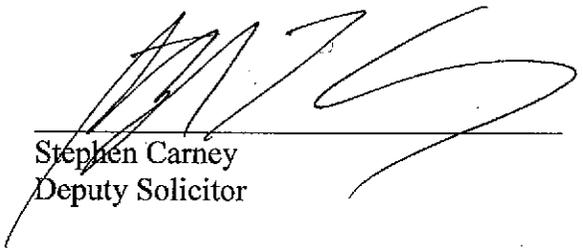
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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Notice of Intent Not to File Supplement of Defendants-Appellants State Board of Education of Ohio and Ohio Department of Education was served by U.S. mail this 17th day of February, 2009, upon the following counsel:

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