MINUTES
STATE BOARD OF EDUCATION
COUNCIL OF BASIC EDUCATION

333 Market Street | 1st Floor
Harrisburg, PA 17126

November 15, 2011

The meeting was called to order at 2:30 p.m. by Mr. Larry Wittig.

Attending:

Erin Agnew	Sandra Dungee Glenn	Ivory Nelson
James Barker (via phone)	Paul Ferrera	Jonathan Peri
Wendy Beetlestone	Kirk Hallett	Senator Jeff Piccola
David Collins	Francine McNairy	Karen Farmer White
Connie Davis (via phone)	Francis Michelini	Larry Wittig

APPROVAL OF MINUTES

The minutes of the September 21, 2011 meeting of the Council of Basic Education were approved on a **Farmer White/Davis** motion.

COMMITTEE REPORTS

SCHOOL AND UNIVERSITY SAFETY COMMITTEE

Jonathan Peri reported on the November 15, 2011 meeting of the School and University Safety Committee, at which the Committee considered action on Chapter 10 – a new regulatory Chapter that will help establish and maintain cooperative relationships between schools and their local police in reporting and resolving incidents of violence that occur on school property. The Board was charged with promulgating these regulations through the final-omit process by Act 104 of 2010, and the regulations were developed with significant input from an Advisory Committee representing the perspectives of school administrators, law enforcement officials, juvenile justice advocates and advocates for students with disabilities. Mr. Peri noted that throughout the development process, there were no less than 11 opportunities to provide public comment on this work at public meetings, as well as an unofficial comment period offered by the Board at the end of September above and beyond the requirements of the final-omit regulatory process.

Mr. Peri reported that the Committee considered comments received on a draft of the regulations presented to the State Board in September and sought additional input from staff in PDE's Bureau of Special Education and Office of Safe Schools, to craft a regulation that seeks to be inclusive in balancing the concerns of stakeholders with different perspectives and that will

foster greater cooperation and mutual support among those parties in supporting and maintaining a safe school environment.

Mr. Peri highlighted the following major components of the draft regulation and discussed a suggested revision that was made during the Committee meeting:

- The regulations include statutory requirements that schools biennially execute and file with PDE memorandums of understanding (MOU) with their local police, and that the Board develop a model MOU and review and revise that document as necessary every two years. Chapter 10 requires schools to consider – but creates no mandate for schools to adopt – the model MOU developed by the Board. The regulation directs schools who execute an MOU that is substantially different from the model to explain the reason for the differences as part of its filing with PDE. This information will be used by the Board to inform its biennial reviews of the model document.
- The regulations also outline protocols for immediately notifying police when serious incidents occur on school property and protocols for incidents where a school administrator has discretion in notifying the police – including identifying the factors an administrator should consider in determining whether to call the police.
- Chapter 10 sets forth protocols for the response and handling of students with disabilities. In reporting an incident to police, the regulation directs school administrators to provide information about whether the incident involved a student with a disability and, if so, information about how the disability may impact the student's behavior.
- Act 104 also directed the Board to promulgate protocols for emergency response. Chapter 10 requires schools to share copies of their emergency response plans with all first responders (local police, fire departments and county emergency management agencies) and asks schools to consider both PEMA guidelines and the framework outlined in the National Incident Management System when developing these plans. The regulation also identifies information important for schools to annually share with first responders so they are prepared to respond in an emergency.
- The regulation recognizes that parents should be engaged as equal partners in establishing and maintaining a safe school environment, and requires that schools immediately notify the parents of victims and suspects that are directly involved in incidents of school violence. Mr. Peri noted that while the regulation requires immediate notification so that parents are apprised of incidents involving their children without delay, it also recognizes that with many parents engaged in work and other activities during the day it may not be possible for a school to immediately get a hold of them. Therefore, Chapter 10 requires schools to document attempts made to reach a student's parent/guardian to show they have a made a good faith effort to provide immediate notification.

Finally, Mr. Peri discussed an amendment to Chapter 10 approved by the Committee concerning the use of school-wide positive behavior supports or school-based programs operated autonomously by a school to address the behavior of a student who commits an offense that requires immediate notification to law enforcement. Mr. Peri explained that the amendment addressed programs that a school might require a student to complete in addition to any action

taken by law enforcement to address the incident, and that it was drafted to distinguish from the use of school-based diversion programs, which require referral by law enforcement and to which schools would not have authority to independently refer students who commit such offenses.

Senator Piccola expressed concern that the amendment could be used by schools to divert law enforcement from acting to address incidents of violence and could set up a dual system for addressing a student who commits an offense that requires mandatory reporting to police. Ms. Beetlestone responded that some schools offer programs that could be beneficial for these students. She argued that the amendment was necessary because the regulations allow diversionary programs to be used by schools to address students who commit less serious offenses which, under the rules of statutory construction, could be interpreted as precluding use of such programs in other instances. Senator Piccola disagreed with Ms. Beetlestone's interpretation that these programs would be precluded, and asked whether the Council would consider further amending the regulation to require consultation with law enforcement before a school could require a student to complete a school-based program. The Council discussed potential language to address the Senator's concerns and the practicality of mandating consultation in large districts such as Philadelphia. Ultimately, the Council agreed to amend the draft regulation to require a school to notify law enforcement if a school places a student in a school-based program, and to clarify that nothing in the provision shall be read to limit law enforcement's discretion to address the incident.

REPORT OF THE DEPUTY SECRETARY ELEMENTARY AND SECONDARY EDUCATION

Deputy Secretary Carolyn Dumaresq provided an update on initiatives of the Office of Elementary and Secondary Education.

Teacher Evaluation

The language of Danielson has been adopted to be the language of Teacher Effectiveness for Pennsylvania. There are now 111 school entities volunteering to participate in a pilot of a new teacher evaluation tool focused on evaluating elements of professional practice, including traditional public schools, Career and Technical Centers, Intermediate Units (IU) and charter schools. We are in the process of training over 530 administrators and over 7,000 teachers; and making sure that the training is effective.

Striving Readers

Dr. Dumaresq reported that Pennsylvania is eligible for a $38 million grant over three years to support striving readers and that her staff will work with the Office of Child Development and Early Learning to develop an application. This grant is focused on literacy from birth through grade twelve.

Common Core

The Department is in the process of revising current Pennsylvania academic standards to embrace the content and rigor of the Common Core State Standards. Teams of educators have been convened to evaluate existing Assessment Anchors (AA) and Eligible Content (EC) for alignment to the rigor of Common Core, and work will continue to link new and revised AA and EC to the revised PA Common Core Standards and to inform revisions necessary to redesign the PSSA to align to Common Core expectations. Dr. Dumaresq anticipates introduction of the standards in February 2012 and revised PSSA exams for grades 3-8 in reading, writing and mathematics becoming operational in spring 2014.

PRESENTATIONS

Mike Kozup, Director of the Office for Safe Schools, provided an update on staffing for the newly-created office and discussed the programs it will oversee:

- Persistently Dangerous Schools Monitoring Team
- Bullying Prevention Program
- School Security Officer Training
- Student Assistance Program (SAP) Training
- Targeted Grant Program
- Annual School Safety Report

The Office was created by Act 104 of 2010 and established within the Department on July 1, 2011. Dr. McNairy commented that she appreciated the SAP program because students are sometimes better monitors of their peers' behavior. Ms. Dungee Glenn asked whether the Office would assist schools in identifying effective providers of bullying prevention programs given the plethora of providers that exist. She also inquired about how much would be available for targeted grants to school districts to support school safety initiatives. Mr. Kozup said the Office's budget is still under development, but he anticipated awarding grants that would total between $10,000-$15,000.

Deborah Mathias, Bureau Director for Early Learning Services in the Office of Child Development and Early Learning (OCDEL), discussed Pennsylvania's application for the Race to the Top Early Learning Challenge Grant. Pennsylvania applied for $65 million over four years, and will compete with 36 other applicants for a share of the $500 million available in federal grants funds. Grant finalists should be announced at the end of 2011. The state's application focused on the following areas:

- Measuring Outcomes and Progress
- Making High-Quality, Accountable Program Accessible to More Children with High-Needs
- Promoting Early Learning and Development Outcomes for Children
- Building an Effective Early Childhood Education Workforce

- Developing an Efficient Technology Infrastructure to Support Program Activities

Dr. Nelson commented that too often the state pursues grants for isolated programs simply because funds are available and does not assess how the work ties into the broader educational system. Moving forward, he asked that the Department consider and identify these broader connections when pursuing grants funds.

PUBLIC COMMENT

There was no public comment.

ACTION ITEMS

1115.1 FINAL-OMIT REGULATION: CHAPTER 10 (SAFE SCHOOLS)

A motion to approve the Final-Omit Regulations was made by Karen Farmer White and seconded by Senator Jeff Piccola.

VOTE: All were in favor as indicated by unanimous voice vote.

ANNOUNCEMENTS

There were no announcements.

ADJOURNMENT

There being no further items of business, the meeting was adjourned at 3:45 p.m.

Stephanie L. Jones

Stephanie Jones
Administrative Assistant