MINUTES
STATE BOARD OF EDUCATION

333 Market Street | 1st Floor
Harrisburg, PA 17126

March 15, 2012

The 307th meeting of the State Board of Education was convened on Thursday, March 15, 2012. Public notice of the meeting was made in accordance with the Sunshine Meeting Act of 1986. The meeting was called to order at 8:50 a.m. by Larry Wittig, Chairman.

Attending:

Erin Agnew	Maureen Lally-Green (via phone)	Sen. Jeffrey Piccola
James Agras (via phone)	Paul Ferrera	Colleen Sheehan
James Barker	Kirk Hallett	Ed Sheehan
Wendy Beetlestone	Francine McNairy	Shannon Sullivan
David Collins	Francis Michelini	Karen Farmer White
Connie Davis	Jon Peri	Lee Williams
Sandra Dungee Glenn	Mollie Phillips	Larry Wittig

APPROVAL OF MINUTES

The minutes from the January 12, 2012 meeting of the State Board of Education were approved unanimously on a **Phillips/E. Sheehan** motion.

REPORT OF THE SECRETARY OF EDUCATION

Secretary Tomalis provided remarks to the Board on the following items:

PSSA Forensic Analysis

Secretary Tomalis noted that PSSA exams were being administered this week and provided an update on forensic concerns related to the assessments. He reported that the Department is employing techniques in administering this year's PSSAs that will minimize manipulation and ensure future data security.

Online Education Collaborative

At the invitation of Senator Smucker, Senator Piccola and Secretary Tomalis attended a presentation about an innovative online education collaborative developed by three Lancaster County school districtss: Manheim, Penn Manor and Hempfield. The districts have teamed up to provide online educational opportunities across their districts, free of charge, relative to the instructional or academic programs that each individual district offers. The districts have expressed concern with a number of issues including credits (i.e. who gets credit for the credit) and where the teacher of record will stand. Secretary Tomalis said addressing those concerns

may require legislative or regulatory changes, and noted that these are healthy challenges to have to overcome as these districts step outside the mold to collaborate in providing instruction.

Wendy Beetlestone commended the Secretary for meeting with the districts involved in the online education collaborative and noted that she has seen similar collaborations succeed among schools in the private sector that aren't confined by the requirements of the school code. She expressed a concern that the length of time necessary to revise the school code to provide flexibility for such resource sharing may hinder districts from doing what is best for students and asked whether the districts can receive the flexibility they need through a mandate waiver. Secretary Tomalis said the districts should be commended for their efforts and stated that the Department is open to reading the code as broadly as possible, but that there is limited flexibility in providing waivers. For example, a question was raised about requirements to provide 180 school days or 990 hours of instruction, which is an area that the Department does not have flexibility to relieve.

Elementary and Secondary Education Act

Secretary Tomalis reported that the initial response from the U.S. Department of Education (USDE) to Pennsylvania's request to freeze its AYP targets was not favorable. The Secretary noted that this was not the USDE's final response, and said that PDE will continue to engage in conversation with the federal Department of Education on this issue. Secretary Tomalis, along with representatives from other states, will meet with USDE Secretary Arne Duncan shortly concerning ESEA and its pending re-authorization.

Sandra Dungee Glenn asked whether the Department is making any changes to its request to freeze AYP targets following the USDE's initial response. The Secretary said there is an open-ended application period, at least through September, and that he will join with other states in asking the federal Education Secretary to reconsider the decision made by lower level USDE staff. Secretary Tomalis also said other states are exploring potential litigation against the federal government and the use of its wavier authority, but Pennsylvania has not yet determined whether it will join that effort.

Governor's Higher Education Commission

The first meeting of the Governor's Higher Education Commission was held on March 12, 2012. The goal of the Commission is to develop a long-term, strategic plan for higher education in the Commonwealth. The Commission will be chaired by Rob Wonderling, former Pennsylvania State Senator and current Chairman of the Philadelphia Chamber of Commerce, and is comprised of representatives of all major higher education institutions in Pennsylvania.

PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

Chairman Wittig announced that a representative of the Professional Standards and Practices Commission (PSPC) was unable to join the Board for the meeting, but that the PSPC had submitted a written report which members could review at their leisure. Highlights of this report are as follows:

- At its most recent meeting on March 5, the Commission considered 18 cases including one immediate suspension on grounds that the educator had been arrested for Sexual

Abuse of Children, Possession of Pornography, Unlawful Contact with a Minor, and Indecent Assault.

- PSPC hopes that its 8-module online ethics course will be available on the Pennsylvania State System of Higher Education's website for all teacher preparation programs, as well as local school entities, by April. The eight modules include:
  - -the ethical teacher;
  - -private and professional lives;
  - -relationships with students;
  - -the connected teacher;
  - -teaching in a diverse society;
  - -improper or personal gain;
  - -the ethical colleague; and
  - -fostering an ethical climate.

- The Department's Office of Chief Counsel has a total of 331 active educator discipline cases, 119 of which are designated as "high priority" because they involve allegations of sexual abuse or physical abuse of children.

- In 2011, PSPC had 95 cases opened compared to an average of just 36 a year for the past 10 years. The Commission anticipates that expansions in its jurisdiction and mandatory reporting requirements will cause its caseload to continue to exponentially increase.

- Senator Smucker will sponsor PSPC's proposed amendments to the Educator Discipline Act, which represent the culmination of several years of collaborative work with the Commission's stakeholders.

INFORMATION/DISCUSSION ITEMS

Chairman Wittig announced that the Board had received an application from the Riegelsville Independent School District seeking to transfer from the Easton Area School District to the Palisades School District. He reviewed the history of the petition filed by local citizens almost five years prior requesting the establishment of the independent school district for transfer and the recent ruling by the Bucks County Court of Common Pleas to grant the petition with a number of stipulations.

Chairman Wittig also explained the State Board's legal role as the final arbiter on the application for transfer. To enable the Board to consider the application in an orderly and deliberative manner, he said the Board would consider an action item to establish a special committee to conduct such proceedings as might be necessary and appropriate under state law and State Board policy and procedure and to make a recommendation to the full Board on whether to approve or disapprove the application. The Special Committee would be comprised of Wendy Beetlestone (chair), Mollie Phillips and Sandra Dungee Glenn. The Chairman also provided an update on action the State Board had taken relevant to the application since it was received. A legal notice was published in the Pennsylvania Bulletin, Easton Express-Times and Bucks County Courier Times announcing receipt of the application and inviting members of the

public to submit written petitions to intervene or protests, and informing the public of the opportunity to request a public hearing on the matter. Chairman Wittig said the Special Committee would determine its appropriate next steps and assess the timeframe in which it is likely to make a recommendation to the Board following the March 30, 2012 deadline established in the legal notice for submitting petitions, protests or requests for a hearing.

PUBLIC COMMENT

Dr. Bridget O'Connell, Superintendent of the Palisades School District, spoke on the Riegelsville Independent School District application. Dr. O'Connell said the district looks forward to welcoming students from the Easton Area School District in 2013 and to working with members of the State Board as it considers the application for transfer.

ACTION ITEMS

0315.1 RESOLUTION ESTABLISHING A SPECIAL COMMITTEE ON THE RIEGELSVILLE INDEPENDENT SCHOOL DISTRICT

A motion to approve a resolution establishing a special committee on the Riegelsville Independent School District was made by Francis Michelini and seconded by Karen Farmer White.

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

0315.2 MOTION TO WITHDRAW CHAPTER 10 TO MAKE TECHNICAL REVISIONS FOR FORM AND LEGALITY

A motion to withdraw Chapter 10 to make technical revisions for form and legality was made by Larry Wittig and seconded by Jon Peri.

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 9:50 a.m. on a **Williams/Peri** motion.

Stephanie Jones

Stephanie Jones
Administrative Assistant